

Delegated Report

Planning Ref: 24/01018/NMA

Applicant: Mr Les Jones

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: 12 Smithy Close Barlestone Nuneaton

Proposal: Non Material Amendment to 23/00487/HOU. Amendment to the porch roof.

1. Recommendations

1.1. Grant Non-material amendment subject to:

- The original conditions attached to planning permission 23/00487/HOU and amended planning condition 2 (plans) outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks a non-material amendment to planning permission 23/00487/HOU, which was for the construction of a front porch, single storey rear extension and garage conversion at 12 Smithy Close, Barlestone.
- 2.2. The proposed non-material amendment seeks to revise the design of the approved porch roof from a flat roof design to a pitched roof design with a new door, side panels and a glass gable.

3. Description of the site and surrounding area

- 3.1. The application site comprises a detached residential bungalow situated within a cul-de sac, within the settlement boundary of Barlestone. The bungalow is constructed of red/brown facing bricks, grey concrete interlocking roof tiles and white uPVC windows. It comprises an 'L' shaped design with a gable form and attached side garage set back from the front elevation. In addition to the garage there is a 10.00 metres long tarmac surfaced driveway providing a second parking space. There is a small, grassed area within the remainder of the 4.00 metres deep open site frontage. It is constructed red/brown facing bricks, grey concrete interlocking roof tiles and white uPVC windows.
- 3.2. The street scene comprises a mixture of single and two-storey dwellings, all relatively uniform in terms of design and finish. The application dwelling is located just off of the main highway of Smithy Close, within an infill development of five similar dwellings accessed by what appears to be a private shared driveway contiguous with a public footpath (S36).

4. Relevant planning history

23/00487/HOU

- Front porch, single storey rear extension and garage conversion
- PER
- 29.06.2023

86/00732/4

- ERECTION OF 4 NO 4 PERSON 2 BED BUNGALOWS OUTLINE

- WDN
- 15.08.1986

86/01028/4

- 4 2 BEDROOMED BUNGALOWS OUTLINE
- OUT
- 25.11.1986

87/00748/4

- 2 NO 3 BEDROOMED BUNGALOWS PLOTS 2 AND 3 WITH DOUBLE GARAGES
- APRREM
- 25.08.1987

5. Publicity

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this case no publicity or consultations have been undertaken.

6. Consultation

- 6.1. No consultations are necessary or have been undertaken.

7. Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

7.1. Barlestone Neighbourhood Plan 2020-2039

- Policy H2: Settlement Boundary
- Policy H6: Design Standards

7.2. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)

- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment
- Conditions

Assessment

- 8.2 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material'; this is because it is so dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.
- 8.3 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment needs to be considered in the context of the overall scheme for extensions and alterations to the existing dwelling.
- 8.4 With the above in mind it is necessary to consider what the existing planning permission (23/00487/HOU) granted permission for construction of a front porch, single storey rear extension and garage conversion at 12 Smithy Close, Barlestone.
- 8.5 The main issue in respect of this application is whether or not the proposed amendments are considered to be non-material to the approved planning permission with regard to visual appearance and surrounding amenity.
- 8.6 The proposed amendments to the previously approved scheme would not result in any significant or material change to its character, appearance or the site's surrounding amenity when considered against the development originally approved. The amendments are therefore considered to be non-material in the context of the overall scheme.
- 8.7 The siting, single storey scale and footprint of the extensions and separation distances to neighbouring properties remain as originally proposed and approved. The proposed amendment is limited to the replacement of the previously approved flat roof over the approved porch extension with a pitched roof with a new door, side panels and a glass gable. The proposed construction materials are to remain as previously approved.
- 8.8 The proposed pitched roof replacement would be located to the front elevation of the dwelling, being in a position of significant visibility. Nevertheless, as the alteration would be entirely characteristic of the existing dwellings roof form, the addition is considered to be a positive addition to the dwelling, especially when compared to the originally approved flat roof design.
- 8.9 The approved flat roof measured approximately 2.55 metres in height, meaning that the proposed pitched roof would result in an increase of the overall roof height by approximately 1.13 metres, the eaves height would, however mirror those of the existing main pitched roof. The proposed increase would remain to appear subordinate to the existing dwelling whilst also not having any material impacts

upon the residential amenities or privacy of the neighbouring occupiers, by way of its position and scale when compared to the existing plot.

- 8.10 It is considered that the proposed amendment would have no material impacts upon the overall scale, character, design acceptability or appearance acceptability of the approved scheme, the residential amenity or privacy of any neighbouring occupiers or off-street parking provision to serve the resulting dwelling. It is therefore considered that the proposed amendment would be non-material in the context of the overall scheme in planning terms in this case.

Conditions

- 8.11 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.12 Planning permission 23/00487/HOU was subject to four conditions. The development has not yet begun therefore Condition 1 (Time) of the original planning permission remains reasonable and necessary and the development would need to be commenced prior to the expiry of three years from the 29th June 2023, the date of the original planning permission. Condition 2 (Approved Plans) would need to be amended to refer to the development being carried out in accordance with the approved amended/revised Proposed Elevations and Floor Plans. Condition 3 (materials) remains reasonable and necessary to ensure a satisfactory and unified external appearance. Condition 4 (parking) remains reasonable and necessary to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). No additional conditions are necessary to make the amended scheme acceptable in planning terms. The previous informative regarding Building Control contact details should be updated.
- 8.13 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 23/00487/HOU, and amended condition detailed below;

2. This non-material amendment is approved in accordance with the approved Proposed Elevations and Floor Plans, Drg No. 23024-05 as received by the Local Planning Authority on the 5th November 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 8.14 This non-material amendment should be read in conjunction with the decision notice for 23/00487/HOU.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed alteration of the design of the porch roof, by exchanging the approved flat roof to a pitched roof with a new door, side panels and a glass gable would respect the character, appearance and amenity of the site and surrounding area.
- 7.2. In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission reference 23/00487/HOU, it has been considered in the context of the overall scheme. It is considered that the amendment proposed would not result in any significant or material visual impacts or any material impacts upon the residential amenity or privacy of any neighbouring occupiers or off-street parking provision. It is therefore considered to be non-material to, and acceptable in the context of, the overall scheme in planning terms. The amended scheme would remain in accordance policies DM1 and DM10 of the SADMP, Policy H2 and H6 of the Barlestone Neighbourhood Plan 2020-2039 and the overarching principles of the NPPF.
- 7.3. It is therefore recommended for approval subject to previously imposed conditions on planning permission 23/00487/HOU and amended

11. Recommendation

11.1 Grant Non-material amendment subject to:

- The original conditions attached to planning permission 23/00487/HOU and amended planning condition 2 (plans) outlined at the end of this report.

11.2 Conditions and Reasons

2. This non-material amendment is approved in accordance with the approved Proposed Elevations and Floor Plans, Drg No. 23024-05 as received by the Local Planning Authority on the 5th November 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.