

Delegated Report

Planning Ref: 23/00271/NMA

Applicant: Mr Dan Gebala

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 7 Grange Close Newbold Verdon Leicestershire

Proposal: Non-material amendment to planning permission 23/00072/HOU for the use of smooth render to the external walls of the approved extensions in lieu of matching facing bricks

1. Recommendations

1.1. Permit non-material amendment subject to:

- The original conditions imposed on planning permission 23/00072/HOU and amended planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 23/00072/HOU which granted full planning permission for a single storey rear extension and front porch and other alterations.
- 2.2. The proposed non-material amendments to the approved scheme relate to changes to the proposed external wall surface materials to smooth white render in lieu of matching facing bricks.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Newbold Verdon at the end of a small cul-de-sac on a residential estate. It is a two storey semi-detached house with gable sided roof form, a shallow flat roof projection over the integral porch and ground floor bay window to the front elevation and a flat roof single storey extension to part of the rear elevation. It is constructed with red facing bricks, grey interlocking concrete roof tiles and grey replacement windows. It occupies a large corner plot that widens significantly from the front to rear boundaries and is enclosed by 2 metres high solid close boarded black stained timber fencing. The site frontage provides two tandem off-street parking spaces on the 11 metres long tarmac driveway. The dwelling is currently vacant and undergoing renovation.
- 3.2. The cul-de-sac in which it is located comprises similar semi-detached dwellings, many of which have been altered since construction in various ways, including two storey and single storey side extensions and front porch extensions of varying design and style. The use of white rendered panels is apparent within the wider street scene into Hornbeam Road.

4. Relevant planning history

23/00072/HOU

- Single storey rear extension and front porch
- Permitted
- 02.03.2023

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 local development plan or national planning policies that would be material to the outcome of the assessment of the application in this case.
- 7.3. Core Strategy (2009)
- No relevant policies
- 7.4. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

8.1. Key Issues

- Whether the amendment to the proposed external wall surface materials are considered to be non-material in respect of the design and visual appearance of the overall development and therefore constitutes a non-material amendment to the approved scheme
- Conditions

Assessment

- 8.2 Section 96A of the Town and Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. The document Greater Flexibility for Planning Permissions Guidance (2010) in paragraph 42 makes it clear that there is no statutory definition of 'non-material' as this is so dependent upon 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 amendments need to be considered in the context of the overall scheme for extensions and alterations to the existing dwelling.
- 8.4 The proposed use of smooth white rendered external walls to the approved single storey rear extension and front porch, in lieu of the use of matching facing bricks, would not result in any significant or adverse visual impacts on the character or appearance of the application dwelling or the wider street scene as the extensions would remain a subordinate addition to the application dwelling and the use of white rendered panels to part external elevations is already apparent on neighbouring dwellings within the wider street scene. It is therefore considered that the proposed amendment would be non-material in the context of the overall scheme as it would have no impact upon the acceptability of the overall scheme in planning terms.

Conditions

- 8.5 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.
- 8.6 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 2 March 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 amended proposed elevations drawings submitted under this application. Condition 3 (Materials) would need to be amended to refer to the development being carried out in accordance with the amended details and proposed elevations drawings submitted under this application. Condition 4 (Parking) would remain reasonable and necessary to ensure adequate off-street parking provision. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

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.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendments to full planning permission 23/00072/HOU have been considered in the context of the overall scheme. It is considered that the amendment proposed would not result in any significant or adverse material visual impacts on the character or appearance of the application dwelling or wider street scene and the amendment is therefore considered to be non-material and acceptable in the context of the overall scheme.

11. Recommendation

- 11.1 **Permit non-material amendment** subject to:

- The original conditions imposed on planning permission 23/00072/HOU and amended planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan Drawing No. 1594/SL and Proposed Block Plan Drawing No. 1594/BP received by the local planning authority on 26 January 2023 and Proposed Ground Floor Plan and Elevations Drawing No. 1594 Rev A received by the local planning authority on 20 March 2023.

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).

2. The materials to be used on the external elevations of the proposed rear extension and front porch hereby permitted shall be smooth white rendered walls. grey concrete roof tiles and grey windows to match those of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).