

Delegated Report

Planning Ref: 23/00970/NMA
Applicant: Mr Michael Thomas
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 36 Main Street Stanton Under Bardon Markfield Leicestershire

Proposal: Non material amendment to planning application 22/00638/HOU.
Amendment to convert garage to an office and fit a window instead of garage door

1. Recommendations

1.1. Permit non-material amendments subject to:

- The original conditions attached to planning permission 22/00638/HOU and amended planning condition (plans) outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 22/00638/HOU which granted full planning permission for a Two storey side extension, single storey rear extension and front porch to a dwelling, 36 Main Street, Stanton under Bardon.
- 2.2. The proposed non-material amendments to the approved scheme relate to the conversion of the approved garage to part home office and part utility room and toilet and associated internal ground floor layout alterations, the approved garage door being replaced by a window and matching rendered wall infill, an additional ground floor side elevation window to serve the new toilet and amendment to the window style to plain glazing.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Stanton under Bardon to the northwest of Main Street within a row of two storey detached and semi-detached houses of varying scale, design and style. It occupies a long, wide plot with dwellings/gardens either side, a wooded area opposite the front beyond Main Street and allotments to the rear beyond a shared service road. It is a two storey semi-detached house with hipped roof form. It is constructed of cream rendered walls, slate roof with red ridge tiles and white uPVC windows. It has a flat roof garage and three single storey lean-to structures attached to the side and rear elevations.
- 3.2. In addition to the garage there are two further off-street parking spaces within the site frontage which is surfaced in tarmac (driveway) and loose stones behind a dwarf wall marking the front highway boundary. There is also a further existing parking space within the rear garden accessed off the shared service road to the rear. The long rear garden provides approximately 500 square metres of amenity space

4. Relevant planning history

22/00638/HOU

- Two storey side extension, single storey rear extension and front porch
- Permitted
- 26.08.2022

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 Planning Authority Design Guide

8. Appraisal

- 8.1. Key issues:

- Whether the proposed amendments to convert the approved garage space to a home office, utility and toilet with associated replacement of the garage door with a window and wall infill and internal layout alterations, additional ground floor side elevation toilet window and a change to the window glazing style are considered to be non-material in respect of the design and visual appearance of the overall development and any impacts upon the amenities of any neighbouring properties, and therefore constitute non-material amendments 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 footprint of the extensions, separation distances to neighbouring properties and proposed external construction materials remain as originally proposed and approved. The proposed amendments are limited to the conversion of the approved garage space to a home office, utility and toilet with associated replacement of the garage door with a window and matching rendered wall infill and internal layout alterations, an additional ground floor side elevation toilet window and a change to the window glazing style from leaded to plain.
- 8.5 The conversion of the approved garage to additional living accommodation and associated internal layout alterations would have no material impacts on the acceptability of the scheme as there is sufficient off-street parking provided elsewhere within the hard surfaced site frontage and hard standing in the rear garden accessed by a shared service road to serve the resulting four bedroomed dwelling in accordance with local highway authority design guidance. The proposed replacement of the garage door with an appropriately proportioned and styled window and matching rendered wall infill to match the other approved windows would also have no material impacts on the acceptability of the scheme in terms of its design and appearance. The additional small ground floor toilet window would be set well back from the front elevation and would not face any private or sensitive areas of the neighbouring dwelling to the southwest (No. 42). Therefore, the insertion of the additional window would have no material impact on the design or appearance of the scheme or the residential amenity or privacy of the neighbouring occupiers. The replacement of the approved leaded glazing to the front elevation with plain glazing would have no material impact on the design or appearance of the scheme.
- 8.6 The proposed amendments are acceptable in terms of their design and appearance and are considered to have no significant or material impacts upon the overall character, design or appearance 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 amendments would be non-material in the context of the overall scheme as they would have no significant impact upon the acceptability of the overall scheme in planning terms.

Conditions

- 8.7 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.
- 8.8 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 26 August 2022, 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 floor plans and elevations drawings submitted under this application. Condition 3 (materials) remains reasonable and necessary to ensure a satisfactory and unified external appearance and would need to be amended only to refer to the amended proposed floor plans and elevations drawings submitted under this application. 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 planning permission reference 22/00638/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed would not result in any significant or material visual impacts or any significant or material impacts upon the residential amenity or privacy of any neighbouring occupiers or any significant or material impacts upon off-street parking provision and the amendments are therefore considered to be non-material and acceptable in the context of the overall scheme.

11. Recommendation

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

- The original conditions attached to planning permission 22/00638/HOU and amended planning condition (plans) outlined at the end of this report

11.2 Conditions and Reasons

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan, Proposed Site Block Plan and Proposed Floor Plans and Elevations Drawing Ref. 36-1MJT/02 Rev B received by the local planning authority on 2 October 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).

3. The materials to be used on the external elevations of the proposed extensions and alterations hereby permitted shall match the corresponding materials of the existing dwelling and be in accordance with the external materials details submitted on the approved Proposed Floor Plans and Elevations Drawing Ref. 36-1MJT/02 Rev B received by the local planning authority on 2 October 2023.

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).