

Delegated Report

Planning Ref: 24/00532/NMA

Applicant: Mr Christopher Chambers

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: The Hawthorns Leicester Lane Desford Leicestershire

**Proposal: Non material amendment to planning permission 24/00156/HOU.
Amendments to door and window configuration on the front elevation and side
window added to shower area**

1. Recommendations

1.1. Permit non-material amendments subject to:

- The original conditions attached to planning permission 24/00156/HOU and amended planning conditions 2 and 3 (plans and materials) outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 24/00156/HOU which granted full planning permission for a two storey front extensions and link attached garaging/outbuilding to a dwelling, The Hawthorns, Leicester Lane, Desford.
- 2.2. The proposed non-material amendment to the approved scheme relates to the reconfiguration of some of the ground floor windows/entrance doors on the front elevation and the addition of a small shower room window to the ground floor side elevation. No other changes are proposed.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in the countryside to the southeast of Desford and occupies a large rectangular plot measuring approximately 42 metres in width x 95 metres in depth on the north side of Leicester Lane. It is a two storey detached house with multiple pitched roof design with hipped main roof form and two storey projecting gables to the front and rear elevations. It has been contemporised with the use of a mix of smooth white render and vertical stained timber board cladding to the external walls, plain grey roof tiles, white uPVC windows and two wide dark grey up and over double garage doors. There is a link-detached single storey dual pitched roof outbuilding to the immediate rear and a tennis court enclosed by tall wire mesh fencing further towards the rear of the site.
- 3.2. The site is enclosed on the highway boundary by a 1.5 metres high wall finished in smooth white render. There are two vehicular accesses with electronically operated double timber gates to each set back at least 6 metres from the highway boundary. The site provides ample off-street parking and turning space within the existing double garaging and abundant concrete block surfaced hard standing within the site frontage. There is a huge, grassed garden to the rear providing substantial private amenity space. The other boundaries are enclosed by continuous hedgerows to the east side and rear boundaries and a 2 metres high solid close boarded timber fence to the west side boundary.
- 3.3. The application dwelling lies at the end of a ribbon development of large, detached houses of varying design, style and appearance within spacious plots along both sides of Leicester Lane. There are open fields to the south, east and north (rear) of

the plot. The nearest neighbouring dwelling to the west is located much further from the highway and set well back from the application dwelling.

4. Relevant planning history

24/00156/HOU

- Two storey front extensions and link attached double garage/outbuilding
- Permitted
- 28.03.2024

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.
- 7.1. Desford Neighbourhood Plan (DNP) 2018-2036 (2021)
- Policy H7: Housing Design
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 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)
 - Local Planning Authority Design Guide

8. Appraisal

8.1. Key issues:

- Whether the proposed amendments to reconfigure some of the ground floor windows/entrance doors on the front elevation and the addition of a small shower room window to the ground floor side elevation 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 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 siting, scale and footprint of the extensions, separation distances to neighbouring properties and proposed external construction materials and detailing remain as originally proposed and approved. The proposed amendment is limited to the reconfiguration of some of the ground floor windows/entrance doors on the front elevation and the addition of a small shower room window to the ground floor side elevation. It is considered that the proposed amendments would have no material impacts upon the overall 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 amendments would be non-material in the context 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 28 March 2024, 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 amended proposed elevations drawing 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 to refer to the approved amended proposed elevations drawing 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 24/00156/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed would not result in any material visual impacts or any material impacts upon the residential amenity or privacy of any neighbouring occupiers or off-street parking provision. They are therefore considered to be non-material to, and acceptable in the context of, the overall scheme in planning terms.

11. Recommendation

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

- The original conditions attached to planning permission 24/00156/HOU and amended planning conditions 2 and 3 (plans and materials) 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: Location Plan and Proposed Site Plan Drawing No. C160.101 Rev 00, Proposed Floor Plans Drawing No. C158-200 Rev 00 and Proposed Elevations Drawing No. C158.202 Rev 00 received by the local planning authority on 4 June 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 shall be in accordance with the external materials details provided within the originally submitted Planning Application Form received by the local planning authority on 25 March 2024 and as shown on the approved Proposed Elevations Drawing No. C158-202 Rev 00 received by the local planning authority on 4 June 2024 and shall match the corresponding materials of the existing dwelling where applicable.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).