

Delegated Report

Planning Ref: 26/00445/NMA

Applicant: Mr Iley

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 6 Fuller Close Desford Leicestershire

**Proposal: Non material amendment to planning permission 24/00989/HOU.
Amendment to reduce the width of proposed extension**

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 21/00439/FUL.
- Amended plans agreed within condition 1 of this application.

2. Planning application description

2.1. This application is for a proposed non-material amendment to planning permission 24/00989/HOU for a single storey rear extension to a dwelling.

2.2. The proposed amendment seeks to reduce the width of the 10.45m wide extension by 2.59m, resulting in a 7.86m wide extension.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Desford in a residential area and at the end of a cul-de-sac. It is a detached two storey dwelling with dual pitched gable sided main roof form with a subordinate shallow depth two storey front gable and lean-to canopy roof porch to the front elevation. It has a detached double garage with dual pitched gable fronted roof form set forward of and perpendicular to the front elevation and a hard surfaced double width garage forecourt and long driveway. The dwelling and garage are constructed of red multi weathered facing bricks, grey concrete interlocking roof tiles and white uPVC windows.

3.2. The application dwelling is set back from the highway and occupies an outside corner of the cul-de-sac abutting public highway to its rear (northeast) and side (southeast) boundaries which are enclosed by 2.5 metres high solid timber fencing. The cul-de-sac comprises detached two storey dwellings of similar scale, overall design with dual pitched gable sided roof form and similar appearance.

4. Relevant planning history

- 24/00989/HOU
- Single storey rear extension
- Permitted December 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 application no consultation has been requested.

6. Consultation

6.1. Not applicable

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.
- 7.3. Desford Neighbourhood Plan (DNP) 2018-2036 (2021)
- Policy H7: Housing Design
- 7.4. Core Strategy (2009)
- No relevant policies
- 7.5. 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
- 7.6. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.7. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Key issues
- Assessment
 - Conditions

Design and impact upon the character of the area and Residential Amenity

- 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. The proposed amendment would reduce the width and overall scale of the extension approved under planning permission 24/00989/HOU.
- 8.4. The amendment is not considered to give rise to any detrimental impacts to the character of the area or neighbouring amenity. The proposal is considered to be

minor and not material and therefore appropriate under this non-material amendment application.

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 Planning permission 24/00989/HOU was subject to 3 conditions.
- 8.7 This application seeks to make amendments to condition 2 by amending the proposed plans as detailed within condition 1 at the end of this report.

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. The amendments would not undermine the development and the proposed amendments to the scheme would not result in any significant adverse impacts on the matters previously discussed in the delegated report for 24/00989/HOU.
- 10.2. The amended scheme would remain in accordance with all the policies listed with the delegated officer report and is therefore recommended for approval subject to previously imposed conditions on planning permission 24/00989/HOU.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 24/00989/HOU.
 - Amended plans agreed within condition 1 of this application.

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:

Proposed Floor Plans and Proposed Elevations Drawing No. 241024A received by the local planning authority on 19 May 2026.

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

1. 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.