

Delegated Report

Planning Ref: 23/00275/NMA
Applicant: Mr Khimani Mohiki
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 8 The White Houses Twycross Road Sibson Leicestershire

Proposal: Non material amendment to planning permission 23/00006/HOU.
Amendments consist of 3 additional windows, matching render finish to external wall surfaces and a parapet wall to the south side elevation

1. Recommendations

1.1. Permit non-material amendments subject to:

- The original conditions to planning permission 23/00006/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 23/00006/HOU which granted full planning permission for a two storey rear extension and single storey rear extension to a dwelling, 8 The White Houses, Twycross Road, Sibson.
- 2.2. The proposed non-material amendments to the approved scheme relate to the proposed use of matching render to the external wall surfaces of the approved single storey rear extension, the provision of three additional windows and the construction of a parapet wall along the south side elevation of the approved single storey extension.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in the countryside to the north of the settlement boundary of Sibson to the west of the A444. It lies at the northern end of a row of eight two storey houses constructed in two terraced blocks of four dwellings set well back from the highway. The dwelling has its own access directly off the A444 and long driveway leading to the side and beyond to the extensive rear of the plot.
- 3.2. The application dwelling is a two storey end terraced house with white rendered walls with red brick plinth, brown interlocking concrete roof tiles and white uPVC windows. A single storey flat roof extension with a side conservatory has been constructed to the rear and would be demolished as part of the scheme. The extensive plot provides adequate off-street parking to the front side and rear on existing loose stone surfaced hardstanding. There is a large garden further to the rear enclosed by 2 metres high boundary hedgerows. There are open fields to the north and west (rear) of the site.
- 3.3. There is a similarly sized/scaled and designed two storey and single storey extension to the rear of the adjoining dwelling, No. 7, and similar two storey extensions to the rear of all three neighbouring dwellings within the terrace.

4. Relevant planning history

23/00006/HOU

- Two storey rear extension and single storey rear extension
- Permitted
- 24.02.2023

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. Sheepy Parish Neighbourhood Plan (SPNP) 2018-2036 (2022)
- Policy S1: Countryside
 - Policy S8: 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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.6. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.7. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Planning Authority Design Guide
- ## **8. Appraisal**
- 8.1. Key issues:
- Whether the amendments to the proposed external materials, three additional windows and parapet wall 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 residential 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 and separation distances to neighbouring properties remain as originally approved. The amendments include the construction of a shallow parapet wall above the south side elevation of the approved single storey rear extension. Whilst this would be constructed along the side boundary with the adjoining dwelling (No. 7), the wall would be only 0.3 metres higher than originally approved and would be constructed adjacent to a similar height parapet wall of the existing single storey extension attached to the rear of No. 7. The additional wall would be viewed against the existing wall and would have no significant material visual impacts upon the design or appearance of the approved single storey extension or any material impacts upon the residential amenity or privacy of the neighbouring occupiers.
- 8.5 The proposed additional three windows, one to the rear elevation and two to the north side elevation of the approved single storey extension are acceptable in terms of their siting, size and proportions and are appropriate to the contemporary design and appearance of the single storey extension. They are therefore considered to have no significant or material impacts upon the design or appearance of the approved scheme. They are at ground floor and would face directly into the applicants own garden where they would not result in any significant or material impacts on the residential amenity or privacy of the neighbouring occupiers.
- 8.6 The proposed use of matching render to the external wall surfaces of the approved scheme in lieu of brick slips to the single storey extension would result in a more favourable external appearance which would ensure a unified appearance with the existing dwelling and complement the contemporary design and appearance of the single storey rear extension.
- 8.7 It is therefore considered that the proposed amendments would be non-material in the context of the overall scheme as the amendments would have no impact upon the acceptability of the overall scheme in planning terms.

Conditions

- 8.8 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.
- 8.9 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 24 February 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 floor plans and 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 external materials and proposed 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 23/00006/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed would not result in any significant visual impacts or any significant or material impacts upon the residential amenity or privacy of any neighbouring occupiers 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 to planning permission 23/00006/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. TQRQM22354111614950 and Proposed Block Plan Drawing No. 2229-03 received by the local planning authority on 3

January 2023 and Proposed Floor Plans Drawing No. 2229-01R and Proposed Elevations Drawing No. 2229-02R received by the local planning authority on 22 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 extension and alterations shall be in accordance with the details submitted on the approved Proposed Elevations Drawing No. 2229-02R received by the local planning authority on 22 March and shall match the corresponding materials of the existing dwelling.

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).