

Delegated Report

Planning Ref: 24/00768/NMA
Applicant: Mr Kevin Clarke
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 13 Marston Drive Groby Leicestershire

**Proposal: Non material amendment to planning permission 23/00075/HOU.
Amendment to increase the roof height of the single storey side/rear extension by an additional 0.25 metres and front porch width by an additional 0.16 metres**

1. Recommendations

1.1. Permit non-material amendments subject to:

- The original conditions attached to planning permission 23/00075/HOU and amended planning condition 2 (approved 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 23/00075/HOU which granted full planning permission for a two storey side extension, single storey side/rear extension and front porch to a dwelling, 13 Marston Drive, Groby.
- 2.2. The proposed non-material amendments to the approved scheme relate to an increase the roof height of the proposed single storey side/rear extension by an additional 0.25 metres from 2.8 metres to 3.05 metres and the width of the proposed front porch by an additional 0.16 metres from 1.94 metres to 2.1 metres. No other changes are proposed.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Groby on a residential estate. It is a two storey detached house with a hipped main roof form and traditional styling with two storey bay windows and inset open porch with arched brick headers to the front elevation and two feature brick chimney stacks to the north side elevation. There is a single storey flat roof extension attached to its rear elevation. A single garage with low profiled monopitch roof that was set back to the south side and rear of the dwelling has already been demolished as part of the scheme. The application dwelling is constructed of plain red facing bricks, red concrete hanging tiles between bays, red plain clay roof tiles and white uPVC windows. The site will continue to provide adequate off-street parking to serve the dwelling on the loose stone surfaced site frontage. The rear garden provides over 300 square metres of private amenity space.
- 3.2. The surrounding area comprises a mix of detached and semi-detached two storey, 1½ storey and single storey dwellings and a variety of designs and styles. Prevailing ground levels fall gradually from south to north with the application dwelling occupying a slightly lower (0.5 metres) ground level than the adjacent dwelling to the south (No. 15).

4. Relevant planning history

23/00075/HOU

- Two storey side extension, single storey side/rear extension and front porch

- Permitted
- 13.03.2023

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 formal consultations are necessary or have been undertaken in this case. However, the neighbouring occupier at 15 Marston Drive has been advised verbally through a telephone conversation on 21 August 2024 of the proposed amendments and has confirmed that she has no objection to the amendment as the proposal is on a lower ground level and in her opinion would have no material adverse impacts on her residential amenity.

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. Core Strategy (2009)

- No relevant policies

- 7.2. 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

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

- 7.4. 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 increase the roof height of the proposed single storey side/rear extension by an additional 0.25 metres from 2.8 metres to 3.05 metres and the width of the proposed front porch by an

additional 0.16 metres from 1.94 metres to 2.1 metres 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 proposed two storey side extension and single storey side/rear extension and separation distances to neighbouring properties remain as originally proposed and approved. The proposed amendments are limited to an increase in the roof height of the proposed single storey side/rear extension by an additional 0.25 metres from 2.8 metres to 3.05 metres and an increase in the width of the proposed front porch by an additional 0.16 metres from 1.94 metres to 2.1 metres. No other changes are proposed.
- 8.5 The proposed single storey side/rear extension would be located at the rear of the proposed two storey side extension and therefore the proposed small increase in its roof height would have no material visual impact on the character or appearance of the street scene or surrounding area. The marginal increase in the width of the proposed front porch, which would remain of an appropriate proportion and design would also have no material visual impact in the street scene or surrounding area. The amendments would therefore continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene.
- 8.6 The proposed increase in the roof height of the proposed single storey side/rear extension by an additional 0.25 metres from 2.8 metres to 3.05 metres is not considered to result in any material or significant adverse impacts on the outlook or residential amenity of the occupiers of the adjacent neighbouring dwelling (No. 15). This is by virtue of the lower ground level (approximately 0.5 metres) of the application site, the proposed flat roof design and the position of the extension to the north where it would have no adverse impacts on light to No. 15. By virtue of its siting, scale and separation distances the amendment would have no material or adverse impacts on the residential amenity of any other neighbouring occupiers. The front porch is set in from the boundaries of the site and therefore the marginal increase in its width would have no material or adverse impacts on the residential amenity of any neighbouring occupiers.
- 8.7 It is considered that the proposed amendments would have no material impacts upon the overall scale, 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 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 already begun therefore Condition 1 (Time) of the original planning permission is no longer necessary. 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 drawings submitted under this application. Condition 3 (materials) remains reasonable and necessary to ensure a satisfactory and unified external appearance and would need no amendment. 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 23/00075/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 23/00075/HOU and amended planning condition 2 (approved 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 and Site Plan Drawing No. 2022/9252/01B received by the local planning authority on 27 January 2023 and Proposed Floor Plans and Elevations Drawing No. 2022/9252/02E received by the local planning authority on 22 August 2024.

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).