

Delegated Report

Planning Ref: 23/00446/NMA
Applicant: Mr Chris Wong
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 134 Stanley Road Hinckley Leicestershire

Proposal: Non material amendment to planning permission 22/00538/HOU.
Amendment to include quoin materials, removal and increase in size of windows

1. Recommendations

1.1. Permit non-material amendment subject to:

- The original conditions to planning permission 22/00538/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 22/00538/HOU which granted full planning permission for a two storey side and rear extension.

2.2. The proposed non-material amendments to the approved scheme relate to:

- Use of red multi facing bricks for quoins rather than stone quoins
- Removal of utility room window from side elevation
- Increase in the depth of the ground floor left hand rear elevation window

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Hinckley in a residential area with an edge of town centre location. It is a two storey detached house with a gable sided main roof form. It has a traditional design style with a ground floor bay window to the front elevation, brick chimney, stone quoins to the first floor front and side elevation with pebbledash render between and red facing bricks to the ground floor. A narrower two storey and single storey range constructed of red facing bricks and with lean-to roof form extends from the rear elevation along the side boundary. The dwelling has a slate roof with decorative red ridge tiles and white uPVC windows. From its external appearance it would benefit from being modernised and upgraded.

3.2. There is a 9.5 metres long tandem double garage with dual pitched gable fronted roof to the side constructed of timber. This would be demolished to enable the proposed development. The site frontage comprises a wide tarmac driveway and an area of concrete crazy paving enclosed by metal railing gates and a 1.2 metres high concrete blockwork boundary wall which is also to be demolished as part of the scheme. There is a large garden of over 370 square metres to the rear.

3.3. The surrounding area comprises predominantly of detached and semi-detached two storey dwellings with traditional design and style with front projecting gables, bay windows, chimneys, and other architectural detailing and constructed in red facing bricks and render with red brick quoins. There are also a small number of more modern infill single storey dwellings further along Stanley Road.

4. Relevant planning history

22/00538/HOU

- Two storey side and rear extension

- Permitted
- 04.08.2022

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.

- 7.1. 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) (2021)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

- 8.1. Key Issues

- Whether the proposed amendments to the quoin materials and windows 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 constitutes 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 footprint and height of the extensions, overall design and appearance and separation distances to neighbouring properties remain as originally approved. The amendments relate to only the use of red multi facing bricks for the quoins in lieu of stone materials and to the removal of a small ground floor utility room window in the side elevation and the increase in the depth of a principal ground floor window on the rear elevation.
- 8.5 By virtue of their minor nature and acceptable proportions and design it is considered that the amendments to windows and the quoin materials which would match the red multi facing bricks to be used in the construction of the extensions would result in no significant or material visual impacts on the character or appearance of the application dwelling or the street scene and would not result in any significant or material impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. 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

- 8.6 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.
- 8.7 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 29 September 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 untitled 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 untitled proposed elevations drawings submitted under this application. Condition 4 (parking) would remain reasonable and necessary to ensure adequate parking provision. 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 full planning permission 22/00538/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 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 amendment** subject to:

- The original conditions to planning permission 22/00538/HOU and amended planning conditions 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 Drawing No. 21/149 04 received by the local planning authority on 7 June 2022, Proposed Block Plan Drawing No. 21/149 05 Rev a received by the local planning authority on 28 July 2022 and untitled Proposed Floor Plans and Elevations drawing received by the local planning authority on 15 May 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 shall be in accordance with the approved untitled Proposed Floor Plans and Elevations drawing received by the local planning authority on 15 May.

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).