

Delegated Report

Planning Ref: 23/00269/NMA

Applicant: Mr Luke Bishop

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: 34 Meadow Road Barlestone Leicestershire

**Proposal: Non material amendment to planning permission 22/01167/HOU.
Amendment to insert window to the W.C on the front elevation**

1. Recommendations

1.1. Permit non-material amendment subject to:

- The original conditions to planning permission 22/01167/HOU and amended planning condition outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for a non-material amendment to planning permission 22/01167/HOU which granted full planning permission for a two storey side extension.
- 2.2. The proposed non-material amendment to the approved scheme relates to:
- The insertion of a ground floor front elevation window to serve the w.c.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barlestone on a large residential estate. It is a two storey semi-detached house with gable sided main roof form. It has an entrance porch with lean-to roof to the front elevation and a single storey extension with lean-to roof to the rear elevation. It is constructed of red multi facing bricks, grey concrete interlocking roof tiles and white uPVC windows. The site currently has space for two cars to park on the driveway to the front and side of the dwelling. There is an enclosed rear garden with an area of approximately 55 square metres.
- 3.2. The surrounding area is characterised by predominantly two storey semi-detached and detached dwellings and flats of similar age and with a variety of designs. There are two flats adjoining the application dwelling. The other neighbouring dwelling is a detached two storey gable fronted house with a driveway between.

4. Relevant planning history

22/01167/HOU

- Two storey side extension
- Permitted
- 30.01.2023

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.
- 7.1. 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 amendment to the front elevation by the insertion of an additional ground floor window to serve the w.c. is 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 extension and alteration to the existing dwelling.
- 8.4 The footprint and height of the extension, its overall design and appearance and separation distances to neighbouring properties remain as originally approved. The amendment relates only to the insertion of a small ground floor front elevation window of an appropriate proportion to serve the w.c.
- 8.5 By virtue of the minor nature and acceptable proportions and design it is considered that the proposed window amendment 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 amendment would be non-material in the context of the overall scheme as it 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 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 remain reasonable and necessary to ensure a satisfactory external appearance. Condition 4 (parking) would remain reasonable and necessary to ensure a satisfactory provision of off-street parking and its surfacing to serve the enlarged dwelling. Condition 5 (bin store) would remain reasonable and necessary in the interests of the visual amenities of the street scene. 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 22/01167/HOU have been considered in the context of the overall scheme. It is considered that the amendment proposed would not result in any significant or material visual impacts on the application dwelling or wider street scene or any material impacts upon the residential amenity or privacy of any neighbouring occupiers and the amendment is 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 22/01167/HOU and amended planning condition 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 Proposed Site Plan Drawing No. Pallett-002 Rev A, Proposed Ground Floor Plan Drawing No. Pallett-010 Rev C, and Proposed Elevations Drawing No. Pallett-020 Rev C received by the local planning authority on 18 May 2023 and Proposed First Floor Plan Drawing No. Pallett-011 received by the local planning authority on 8 December 2022.

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).