

Delegated Report

Planning Ref: 22/00504/NMA

Applicant: Mr Anthony Teal

Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Site: Whitehouse Farm, Ashby Road, Stapleton, Leicester

Proposal: Non material amendment to planning permission 21/01200/HOU. Change double ridge with valley main roof to single ridge, single span roof

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 21/01200/HOU

2. Planning application description

- 2.1. This application proposes a non-material amendment to planning permission 21/01200/HOU, which was for the approval of two-storey side and rear extensions, with a single storey front extension and alterations to the roof at White House Farm, Ashby Road, Stapleton.
- 2.2. The proposed non-material amendment seeks to alter the approved double ridge with valley roof to a single span roof.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the north of, and outside of the identified settlement boundary of, the rural hamlet Stapleton in the designated countryside. The site is adjacent to Field View Farm to the western rear of the property, but beyond this the application site is surrounded by open agricultural land.
- 3.2. The dwelling was originally approved via planning permission 04/00817/COU for the conversion of redundant buildings to form a new dwelling alongside the creation of a new access onto Ashby Road. The property's Permitted Development Rights were removed within this original application.
- 3.3. The development is situated to the north of the site, and the access onto Ashby Road is to the south of the site. Ashby Road is an adopted and classified 'A' road that is subject to a 40mph speed limit, which increases to 50mph to the north of the site. White House Farm is in a prominent position from the north and south of Ashby Road.
- 3.4. There is hedging along the eastern boundary, which is adjacent to the public highway, but there is a small picket timber fence along this boundary of the site that displays the entirety of the front elevation of the dwelling. There is further hedging within the centre of the site that delineates the residential curtilage of the property from the site's access on to Ashby Road.

4. Relevant planning history

23/00460/FUL

- Proposed erection of stable/tack room
- Awaiting Decision
- TBD

21/01200/HOU

- Two storey side and rear extensions, with single storey front extension, and alterations to roof
- Permitted
- 17.12.2021

05/00140/FUL

- Erection of detached garage and alterations to access
- Permitted
- 11.04.2005

04/00817/COU

- Conversion of redundant buildings to form dwelling and creation of new access
- Permitted
- 24.08.2004

5. Publicity

- 5.1. No publicity is required for a Section 96A application, and none has been undertaken.

6. Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, no publicity or consultations 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 development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Conditions

Assessment against strategic planning policies

- 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 Section 96A.
- 8.3 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale.

- 8.4 Planning permission 21/01200/HOU approved a two-storey side and rear extension, a single storey front extension and alterations to the roof. The two-storey rear extension was 4.5m in depth and extended across the entire width of the existing dwelling and the 3.5m wide side extension. A 3.7m wide x 3.9m deep orangery was also incorporated into the development to the rear of the side extension. The single storey front extension externally measured 3.6m in width x 1.3m in depth and had a pitched roof with a ridge height of 3.6m.
- 8.5 The rear extension's roof mimicked the pitched roof of the existing dwelling, which created an upside down 'W' profile to its side elevations. However, the rear extension's roof had a roof ridge height of 8.1m, which was 0.3m larger than the existing dwelling's 7.8m roof. The brickwork of the proposal matched the existing dwelling, and the existing roof was replaced with antique slate plain clay stiles.
- 8.6 The roof is still constructed with antique slate plain clay tiles, which are the approved materials of the previous planning permission, and the eaves height of the development remains the same.
- 8.7 In addition, as a result of this non-material amendment, the overall ridge height of the scheme decreases by 0.2m to 7.9m in height. Whilst this increases the ridge height of the existing roof by 0.3m, and the approved roof for this part of the dwelling by 0.1m, the height of the roof is set back by a further 2.3m in comparison to its original position. This means that the new roof to the rear of the property is not visible from the front elevation like it was in the previously approved development.
- 8.8 Although the alterations to the roof are visually prominent from the highway, the set back of the ridge height of the roof and its reduced height result in less of an impact on the street scene in comparison to the previously approved design.
- 8.9 Consequently, the non-material amendments are considered to improve the design of the approved development and it is likely to reduce the impact of the property on the character of the property or the surrounding area. Therefore, the proposal is minimal and non-material in the context of the extant planning permission.

Conditions

- 8.10 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. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.11 Planning permission 21/01200/HOU was subject to three planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission. Due to the amended plan submitted identifying the alterations to the roof of the property, the plans provided are to be read in conjunction with the plans submitted as part of the extant planning permission.

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, it is considered that the proposed amendments to the approved full planning application at White House Farm, Ashby Road, Stapleton permitted under planning reference 21/01200/HOU are non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are non-material in the context of the overall scheme.
- 10.3. **This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 21/01200/HOU.**

11. Recommendation

11.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 21/01200/HOU.
- Alterations to the roof the dwelling to form a single span roof.

11.2 Conditions and Reasons

- 1. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:
 - Block Plan (submitted: 22.05.2023).
 - Proposed Elevations – Drg No. 881-05 (submitted: 22.05.2023).
 - Site Location Plan (submitted: 22.05.2023).

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).