

Delegated Report

Planning Ref: 24/00670/NMA
Applicant: Mr Nathan Murphy
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 35 Highfield Road Groby Leicestershire

Proposal: Non material amendment to planning permission 24/00402/HOU.
Amendments to roof profile and additional tile cladding

1. Recommendations

1.1. Permit non-material amendments subject to:

- The original conditions attached to planning permission 24/00402/HOU and amended planning conditions 2 and 3 (plans and materials) outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 24/00402/HOU which granted full planning permission for a single storey rear extension, first floor side extension, new front porch and garage conversion to a dwelling, 35 Highfield Road, Groby.
- 2.2. The proposed non-material amendment to the approved scheme relates to a change to the roof design/profile of the first floor side extension and the use of tile hanging (rather than facing bricks) to the front gable of the existing front extension to match the tile hanging to the main front gable. 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 detached two storey house with asymmetric gable fronted roof form and subordinate dual pitched roof side gable. It has a part integral garage with dual pitched roof forming a front gable and a lean-to roof extending from this across the remainder of the front ground floor elevation/bay window. The dwelling is constructed of red multi facing bricks other than plain grey concrete hanging tiles to the front gable infill, grey interlocking concrete roof tiles and white uPVC windows. The part integral garage has already been part converted to living accommodation but there are four off-street car parking spaces on the concrete block paved 14 metres long and 7 metres wide site frontage. The rear garden is enclosed by 2 metres high solid close boarded timber fencing.
- 3.2. The application lies within a row of similarly designed and styled detached asymmetric gable fronted two storey houses. One of these has already been extended with a side gable that has altered the asymmetric roof design of the front elevation (No. 23). Within the wider street scene there are also two storey detached dwellings with regular gable fronted and gable sided roof forms.

4. Relevant planning history

24/00402/HOU

- Single storey rear extension, first floor side extension, new front porch and garage conversion
- Permitted
- 05.06.2024

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) (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 change to the roof design/profile of the first floor side extension and the use of matching tile hanging (rather than facing bricks) to the front gable infill of the existing front extension to match the tile hanging to the main front gable infill 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 extensions and separation distances to neighbouring properties remain as originally proposed and approved. The proposed amendments are limited to the simplification of the roof design/profile of the approved first floor side extension from two side gables and central valley to an single asymmetric side gable and the use of additional tile hanging to the existing front gable below it. Notwithstanding the proposed amendment to the roof profile, the first floor side extension would remain subordinate in height to the main roof ridge in accordance with the principles of the adopted Good Design Guide. The proposed additional tile hanging materials to the front gable infill would match the corresponding existing tile hanging materials used within the main front gable infill. The amendments would therefore continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene.
- 8.5 The proposed first floor front extension would still be constructed adjacent to the blank two storey side elevation of the neighbouring dwelling (No. 33) and would not extend any further forward of the front elevation of No. 33 and therefore the proposed amendment would not result in any material impacts on the residential amenity or privacy of the neighbouring occupiers. The rear access to No. 33 is to the far southeast side of the dwelling adjacent No. 31.
- 8.6 It is considered that the proposed amendments would have no material impacts upon the overall scale, character, design acceptability or appearance acceptability 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

- 8.7 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.
- 8.8 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 5 June 2024, 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 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 to be amended to refer to the approved amended proposed elevations drawing with

additional tile hanging 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 24/00402/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 24/00402/HOU and amended planning conditions 2 and 3 (plans and materials) 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: Location Plan, Proposed Site Plan/Roof Plan and Proposed Floor Plans Drawing No. BHR[20]001 Rev F and Proposed Elevations Drawing No. BHR [21]001 Rev F received by the local planning authority on 8 July 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).

3. The materials to be used on the external elevations of the proposed extensions and alterations hereby permitted shall match the corresponding materials of the existing dwelling and be in accordance with the new and replacement window details as submitted within the Planning Application form and the approved Proposed Elevations Drawing No. BHR [21] 001 Rev F received by the local planning authority on 8 July 2024.

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).