

Delegated Report

Planning Ref: 25/00585/NMA
Applicant: Mrs Gayle Vann
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 1 Norwood Close, Hinckley

Proposal: Non material amendment to planning permission 23/00963/HOU. Overall reduction in development size and includes the double storey extension to the side only.

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission **23/00963/HOU** and additional condition requiring compliance with the approved plans.

2. Planning application description

2.1. This application proposes a non-material amendment to planning permission 23/00963/HOU, which was for the approval of a two-storey rear and side extension.

2.2. The proposed non-material amendment seeks to amend the approved plans by retaining the proposed ground-floor element of the extension and amending the first-floor extension to only the side element and adding no further depth to the dwelling beyond the existing rear façade of the existing dwelling. The non-material amendments are in accordance with Drg. No 2323-05 Proposed Plans NMA and 2323-02 Block Plans NMA.

2.3 The proposed plans have been approved in the original planning application 23/00963/HOU but as the first-floor gross footprint of these plans have been reduced it will be assessed under a non-material amendment application.

3. Description of the site and surrounding area

3.1 The application site is located to the Northeast of Hinckley and is within the settlement boundary. The dwelling forms part of a cul-de-sac, which links to a main arterial road, Barwell Lane, which links Hinckley to the nearby town of Barwell.

3.2 The host dwelling sits within a predominantly residential street of similarly-sized detached dwellings. No. 1 Norwood Close is finished in 'buff' brick, grey concrete interlocking roof tiles and white uPVC windows. It has a gabled sided main roof (along with all properties on the street) and a hipped/lean-to roof that extends part of the way along the side elevation and wraps around to its rear. The application site sits directly on the corner adjoining Portland Drive.

4. Relevant planning history

- **23/00963/HOU**
- Two-storey side and rear extension
- Permitted
- 21.12.2023
- **19/00207/HOU**
- Single storey side and rear extension
- Permitted

- 23.04.2019
- **07/00367/FUL**
- Erection of wall and fence
- Permitted
- 12.07.2007
- **80/01434/4**
- Erection of a new porch and WC
- Permitted
- 11.11.1980

5. Publicity

- 5.1. No publicity is required for a non-material 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
 - Design and impact upon the character of the area

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 the approved planning application 23/00963/HOU was for a two-storey rear and side extension, with matching materials. The non-material amendment seeks to retain the ground-floor configuration but reduce the second-storey extension to reflect the depth of the existing dwelling. The only amendment in this case is the second-storey element.

Originally, the second-storey was proposed with a gross footprint of 46m², whilst the new proposals 22.5m². The current dwelling already benefits from a single-storey side and rear extension on the ground floor.

8.4 The amendments reduce the scale of the extensions. As there is a reduction in scale, the proposals do not introduce additional neighbouring amenity considerations and are likely to be a betterment. Whilst there is a change to the scale of the extensions, the change occurs to the rear of the property which is not readily visible in the street scene so on balance this change is not considered to be a material change.

8.5 Overall, therefore given the nature of the amendments and the location of the extensions the amendments are considered to be non-material.

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.

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 plans originally approved under 23/00963/HOU, are a non-material amendment in the context of the overall scheme and complies with Policy DM10 of the SADMP.

11. Recommendation

11.1 **Grant Non-Material Amendment** subject to:

- Previously imposed conditions on planning permission 23/00963/HOU and additional condition below.

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:
 - Proposed First Floor Plans, Elevations, Option 3 - Drg No. 2323-05
 - Existing and Proposed Block Plan, Drg No. 2323 -02
 - Site Location Plan, Drg No. TQRQM23264112220192
 - Application form
 - All received by the Local Planning Authority on 17.06.25

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.