

Delegated Report

Planning Ref: 23/00865/NMA

Applicant: Mr and Mrs Paul And Hannah Satchwell

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 12 Hill Close Peckleton Leicestershire

Proposal: Non material amendments to planning permission 23/00207/HOU to amend 3 ground floor glazing units sizes, and insertion of an additional ground floor window

1. Recommendations

1.1. Permit non-material amendments subject to:

- The original conditions attached to planning permission 23/00207/HOU and amended planning condition (plans) outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 23/00207/HOU which granted full planning permission for a three storey rear extension to a dwelling, 12 Hill Close, Peckleton.
- 2.2. The proposed non-material amendments to the approved scheme relate to the increase in the height of two ground floor glazed bi-fold door openings in the rear elevation of the approved extension, an increase in the width and height of a ground floor glazed window opening in the east side elevation of the approved extension and the insertion of an additional ground floor window (kitchen/dining area) in the existing east side elevation of the dwelling.

3. Description of the site and surrounding area

- 3.1. The application dwelling lies within the settlement boundary of Peckleton on its north eastern edge and within a small residential cul-de-sac of similar detached dwellings and with open fields to the north. It is a two storey detached house with dual pitched gable sided main roof form and an 'L' shaped footprint as a result of a subordinate dual pitched two storey forward projection that includes double garaging. The front elevation has a subordinate dual pitched front gable of shallow depth with a ground floor bay window, open lean-to porch canopy roof, dual pitched half dormers at first floor, brick corbel eaves detailing, ached brick headers and slanted brick cills. The brick detailing continues on the other elevations. The dwelling is constructed of red/blue facing bricks, grey flat concrete roof tiles and white uPVC windows. The site provides four off-street parking spaces within the double garage and on the tarmac surfaced garage forecourt within the site frontage. There is a large rear garden and grassed paddock to the rear providing more than adequate private amenity space.
- 3.2. The neighbouring dwellings within the cul-de-sac are of similar scale, character and appearance with some variations in their design.

4. Relevant planning history

23/00207/HOU

- Three storey rear extension
- Permitted
- 09.05.2023

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.

- 7.3. Core Strategy (2009)

- No relevant policies

- 7.4. 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

- 7.5. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

- 7.6. 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 the size of the approved ground floor glazed bi-fold doors and window openings in the rear and side elevation of the approved extension and the insertion of an additional ground floor window in the existing side elevation of the dwelling 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 constitute non-material amendments 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 alterations to the existing dwelling.
- 8.4 The footprint of the extensions, separation distances to neighbouring properties and proposed external construction materials remain as originally proposed and approved. The proposed amendments are limited to the increase in the height of two ground floor glazed bi-fold door openings in the rear elevation of the approved extension, an increase in the width and height of a ground floor glazed window opening in the east side elevation of the approved extension and the insertion of an additional ground floor window (kitchen/dining area) in the existing east side elevation of the dwelling.
- 8.5 The two glazed bi-fold door openings in the rear elevation of the approved extension would increase in height by just 0.3 metres, the window in the east side elevation of the approved extension would increase in width by just 0.8 metres and in height by 1.35 metres to be a full height window with three vertical panels. The scale and design of the amended openings would remain consistent with the contemporary design of the approved rear extension and the extensive use of glazing to the ground and first floor rear elevation. The new ground floor east side elevation window to the kitchen/dining area would measure 1.8 metres in width and 1.05 metres in height with three vertical panes the outer two having top opening lights. It would have matching arched brick header and cill detailing as the existing windows and would be appropriately proportioned to fit over the proposed kitchen units of the room that it would serve. By virtue of the scale, design and proportions of the amended openings they would have no material impacts on the overall character or visual appearance of the approved extension or existing dwelling.
- 8.6 The proposed larger window in the east side elevation of the approved extension and the additional window in the existing east side elevation of the dwelling would face towards the rear garden of the neighbouring dwelling to the east (No. 14). However, they would be at ground floor level and set in from the boundary which is defined by a 2 metres high solid close boarded timber fence that would protect the privacy and amenity of both respective occupiers. It is therefore considered that the proposed amendments would not result in any adverse or material impacts upon the residential amenity or privacy of the neighbouring occupiers.
- 8.7 The proposed amendments are acceptable in terms of their siting, size, design and proportions and are appropriate to the contemporary design and appearance of the approved extension and the existing dwelling respectively. They are therefore considered to have no significant or material impacts upon the overall character design or appearance of the approved scheme or result in any significant or material impacts on the residential amenity or privacy of the neighbouring occupiers. 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

- 8.8 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.
- 8.9 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 9 May 2023, 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) remains reasonable and necessary to ensure a satisfactory and unified external appearance. Condition 4 (obscure/non-openable glazing) remains reasonable and necessary to ensure that the privacy and amenity of the neighbouring occupiers would be protected and maintained. 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 23/00207/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed would not result in any significant visual impacts or any significant or 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 amendments subject to:

- The original conditions attached to planning permission 23/00207/HOU and amended planning condition (plans) 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 Block Plan Drawing No. PHS01-01-23PL, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan, Proposed Roof Plan and Proposed Elevations all Drawing Nos. PHS01-01-23PL Rev 1 received by the local planning authority on 4 September 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).