

Delegated Report

Planning Ref: 26/00794/NMA
Applicant: Mr Jonathan Paton
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 46 Butt Lane Hinckley Leicestershire

Proposal: Non-material amendment to planning permission 26/00301/HOU. Amend the external finishes of the property to white render with a short height of brickwork from ground up.

Case Officer: Zahra Jam-Rotbeh (Planning Officer)

1. Recommendations

1.1. Grant Non-Material Amendments subject to:

- The original conditions 1 and 3 attached to planning permission 26/00301/HOU and amended planning condition 2 (plans) outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks a non-material amendment to planning permission 26/00301/HOU, which was for Erection of a first-floor side extension over garage, front porch with hipped roof design, single storey rear extension and gable end loft conversion at 46 Butt Lane Hinckley.
- 2.2. The proposed non-material amendment seeks permission to amend the external finishes of the property to white render with a short height of brickwork from ground up.

3. Description of the site and surrounding area

- 2.3. The application site is located within the settlement boundary of Hinckley. It is a detached two storey dwelling. The property features a red brickwork to the elevations. The street scene is a mix of detached properties of different size, design and finishes.
- 2.4. The adjacent neighbouring properties and dwellings within the wider area generally occupy large plots with substantial built forms.
- 2.5. The dwelling is set back from the highway with a gravel area used as parking area.

4. Relevant planning history

26/00301/HOU

- Erection of a first-floor side extension over garage, front porch with hipped roof design, single storey rear extension and gable end loft conversion
- PER
- 02.07.2026

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.

5.2. In this case no publicity has been undertaken.

6. 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):

- Policy 1: Development in Hinckley

7.4. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.5. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2026)
- Planning Practice Guidance (PPG)

7.6. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

7. Appraisal

8.1. Key Issues

- Assessment
- Conditions

Assessment

7.2. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

7.3. The amendments are limited to changes in the external finishes, replacing brickwork with a combination of render and brickwork on all elevations. Given the variety of external materials and the presence of similar designs within the surrounding area, the proposed changes are not considered to adversely affect the appearance of the dwelling or the character of the area. As there are no alterations to the scale, siting, or footprint of the dwelling, no additional impacts on highway safety or neighbouring residential amenity would arise. The proposed amendments are therefore considered to be non-material.

Conditions

- 7.4 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.
- 7.5 Planning permission 26/00301/HOU was subject to four conditions. Condition 2 (Approved Plans) would need to be amended to refer to the development being carried out in accordance with the approved Proposed Elevations - Paton-J-4a-11. The condition 4 on matching materials is also considered to be unnecessary given the approved material on the amended application form and Elevation plan.
- 7.6 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 26/00301/HOU, and amended condition detailed below;

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Elevations - Paton-J-4a-11
- Application Form
as received by the Local Planning Authority on the 07th September 2026;
- Proposed Ground Floor Plan Dwg. No. Paton-J-3a-05 and Paton-J-3a-06
- Proposed First Floor Plan Dwg. No. Paton-J-3a-07 and Paton-J-3a-08
- Proposed Second Floor Plan Dwg. No. Paton-J-3a-09
- Proposed Roof Plan Dwg. No. Paton-J-3a-07 and Paton-J-3a-10
- Location Plan Dwg. No. Paton-J-3a-12
As received by the Local Planning Authority on 05 June 2026.

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

- 7.7 This non-material amendment should be read in conjunction with the decision notice for 26/00301/HOU.

8. Equality implications

- 8.1 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.
- 8.2 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.

8.3 There are no known equality implications arising directly from this development.

9. Conclusion

9.1 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission reference 26/00301/HOU has been considered in the context of the overall scheme. It is considered that the proposed amendment would not have any adverse impacts on the main dwelling design and character of the surrounding area. It would further not have any material impacts upon the residential amenity or privacy of any neighbouring occupiers.

9.2 It is therefore considered to be non-material to, and acceptable in the context of, the overall scheme in planning terms subject to previously imposed conditions on planning permission 26/00301/HOU and the revised wording for condition 2 (plans) and removal of the condition 4 requesting matching materials at the end of this report.

10. Recommendation

3.1. **Grant Non-Material Amendments** subject to:

- The original conditions 1 and 3 attached to planning permission 26/00301/HOU and amended planning condition 2 (plans) and 4 (materials) outlined at the end of this report.

11.1 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:

- Proposed Elevations - Paton-J-4a-11
- Application Form
as received by the Local Planning Authority on the 07th September 2026;
- Proposed Ground Floor Plan Dwg. No. Paton-J-3a-05 and Paton-J-3a-06
- Proposed First Floor Plan Dwg. No. Paton-J-3a-07 and Paton-J-3a-08
- Proposed Second Floor Plan Dwg. No. Paton-J-3a-09
- Proposed Roof Plan Dwg. No. Paton-J-3a-07 and Paton-J-3a-10
- Location Plan Dwg. No. Paton-J-3a-12
As received by the Local Planning Authority on 05 June 2026.

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

4. The materials to be used on the external elevations of the proposed extension and alterations shall be in accordance with the approved drawing 'Proposed Elevations – Paton- J-4a-11'.

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).