

Delegated Report

Planning Ref: 25/00064/NMA

Applicant: Mr S Hewitt

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 104 Main Street, Higham on the Hill

**Proposal: Non-material amendment to planning application 23/01188/HOU.
Amendment to include a flat roof on the rear extension.**

1. Recommendations

1.1. Approve non-material amendments subject to:

- Previously imposed conditions on planning permission 23/01188/HOU.

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 23/01188/HOU, which was for a single storey rear and side extension at 104 Main Street, Higham on the Hill.
- 2.2. The proposed non-material amendment seeks to change the proposed dual pitched lean-to/flat roof on the extension to a flat roof only. The non-material amendment therefore involves a reduction to the maximum height of the extension. It also involves a change from three flat roof lights in the lean-to section of the originally permitted roof, to one raised roof light in the new flat roof which will sit 0.2m above the roofline.
- 2.3. The non-material amendment does not alter the dimensions of the extension, its siting, the location of windows, or the height of the eaves.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the southern side of Main Street and is within the settlement boundary of Higham on the Hill. Its surrounds are primarily residential, and it is within the Higham on the Hill Conservation Area.
- 3.2. The application site contains an existing two storey semi-detached dwelling with a gabled roof and raised bay window on the ground floor. To the side of the dwelling is a flat roofed garage which meets with the western side boundary. The dwelling is of brick construction with red facing brick and it has grey concrete roof tiles.
- 3.3. The site has off-street parking provision for three cars across the frontage, one on the concrete driveway leading to the garage and two more on the gravel surface between the dwelling and the highway.
- 3.4. The site's existing boundary treatments comprise a mix of brick walls, hedgerow and fencing, as well as the coverage provided along the boundary by the flat roof garage.
- 3.5. The immediately adjoining dwelling 'The Hollies' at 106 Main Street is similar in form as viewed from the street. It has existing single storey extensions to the rear

and eastern side both with lean-to roof forms. To the west is 'Orchard Cottage' at 102A Main Street which is a two-storey dwelling of more recent construction.

- 3.6. The wider surrounds are typically residential and are of varied character with regard to design, scale and year of construction. The nearest non-residential uses are the Higham on the Hill Community Centre and Higham on the Hill Primary School, which are sited to the north of Main Street.

4. Relevant Planning History

23/01188/HOU

- Single storey rear and side extension
- Planning Permission
- 25.01.2024

5. Publicity

- 5.1. A Section 96A application is not an application for a new planning permission and as such the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform parties or seek their views. In this case, no publicity has been undertaken.

6. Consultation

- 6.1. A Section 96A application is not an application for a new planning permission and as such the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to 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.
- 6.2. In this case, HBBC's Conservation Officer and Higham on the Hill Parish Council were consulted. HBBC's Conservation Officer's response is addressed in the appraisal section below. No response has been received from Higham on the Hill Parish Council.

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.
- 7.3. The relevant policies considered in assessment of the original application and the consideration of the non-material amendment are as below:
- Greater Flexibility for Planning Permissions Guidance
 - National Planning Policies and Guidance
 - Planning (Listed Buildings and Conservation Areas) Act 1990

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- Core Strategy (2009)
 - Policy 12: Rural Villages
- Site Allocations and Development Management Policies (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM18: Vehicle Parking Standards
- Other relevant guidance:
 - Higham on the Hill Conservation Area (HHCA) Appraisal and Map (2009)
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide (2022)

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 Consistent 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. It is therefore necessary to consider that the existing planning permission (23/01188/HOU) granted permission for a single storey rear and side extension.
- 8.4 The proposed non-material amendment involves the change of roof form from dual pitched comprising lean-to and flat roof elements to single pitched in the form of a flat roof. This has the effect of reducing the overall height of the extension from 3.53 metres to 2.8 metres. The non-material amendment also includes a change in the number and form of roof lights, from three flat roof lights to one raised roof light which will sit 0.2 metres above the flat roof.
- 8.5 The proposed amendments are considered to reduce the visual impact of the extension, particularly as viewed from Main Street. The amendment to the roof form reduces the overall height of the extension such that it would not longer be as readily apparent within the street scene. The reduction in height would result in only the edge of the roof being visible above the garage from Main Street, as opposed to 1 metre of brick wall as visible in the original proposal.

- 8.6 The inclusion of a raised roof light is not considered unreasonable given the rise is only 0.20 metres above the flat roof, and it would still sit well below the originally permitted roof height.
- 8.7 The amendment to the roof form is not considered to have any additional impact upon the historic environment. HBBC's Conservation Officer has reviewed the proposed amendments and concluded that the proposal continues to have a neutral impact on the character and appearance of the Higham on the Hill Conservation Area.
- 8.8 It is considered that the proposed amendments would have no material impacts upon the overall nature of development originally proposed and the impacts to the design of the extension is minimal. The design acceptability, scale and character of the proposal remains consistent, and the amendments would not result in harm to the surrounding historic environment. It is therefore considered that the amendments are non-material in planning terms in the context of the overall scheme.

Conditions

- 8.9 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.
- 8.10 Planning permission 23/01188/HOU was subject to three conditions. Condition 2 (approved plans) will require amendment to refer to the amended plans. No other conditions are considered to require amendment.
- 8.11 No additional conditions are necessary, and this application cannot grant further planning permission.
- 8.12 The proposal is therefore considered acceptable subject to conditions as imposed on application 23/01188/HOU, and amended conditions detailed below:
 - 2. This non-material amendment is approved in accordance with the submitted details, as follows: Elevations and Plans Drawing as received by the Local Planning Authority on 29 January 2025.

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).

- 8.13 This non-material amendment should be read in conjunction with the decision notice for 23/01188/HOU.

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 planning permission reference 23/01188/HOU at 104 Main Street, Higham on the Hill 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. The amended scheme would remain in accordance with policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2023).
- 10.3. This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 23/01188/HOU.

11. Recommendation

11.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 23/01188/HOU and amended planning condition 2 (approved plans) outlined at the end of this report.

11.2 Conditions and Reasons

- 2. This non-material amendment is approved in accordance with the submitted details, as follows: Elevations and Plans Drawing as received by the Local Planning Authority on 29 January 2025.

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).

11.3 Notes to Applicant

- a) 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.