

Delegated Report

Planning Ref: 25/00460/NMA
Applicant: Miss Helen Biggs
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 72 Newbold Road Desford Leicester

Proposal: Non material amendment to planning permission 22/00744/HOU.
Amendment to roof

1. Recommendations

1.1. Grant non-material amendment subject to:

- The original conditions attached to planning permission 22/00744/HOU and amended planning condition 2 (Approved Plans) and amended planning condition 3 (Materials) outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks a non-material amendment to planning permission 22/00744/HOU, which was for the construction of first floor and single storey rear extensions and a single storey side extension at 72 Newbold Road, Desford.
- 2.2. The proposed non-material amendment seeks to change hipped roof form to a flat roof, with a minor 0.37 metre reduction to the ridge height.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Desford in a residential area on the north-west side of Newbold Road. It is a two storey detached house with gable sided roof form and two storey bay windows and open hipped roof canopy porch to the front elevation. It has a single storey rear extension with a low dual pitched rear gabled roof form and a single storey lean-to porch attached to the side elevation. It is constructed of light brown facing bricks, grey interlocking concrete roof tiles and white uPVC windows.
- 3.2. It is set back from the highway with two off-street parking spaces provided within the tarmac surfaced site frontage and driveway. The rear garden is currently open to the access driveway that continues further to the rear and ground levels also fall towards the north-west/rear of the site.
- 3.3. The adjacent dwelling to the north-east has a similar design but within the wider street scene surrounding dwellings are varied in scale, design, style and appearance.

4. Relevant planning history

22/00744/HOU

- First floor and single storey rear extensions and single storey side extension
- Planning Permission
- 20.10.2022

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. Desford Neighbourhood Plan (DNP) 2018-2036 (2021)
- Policy H7: Housing Design
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
- Assessment
 - Conditions

Assessment

- 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 S96A.
- 8.3 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment needs to be considered in the context of the overall scheme for extensions and alterations to the existing dwelling.
- 8.4 With the above in mind, it is necessary to consider what the existing planning permission grants permission for. Planning permission 22/00744/HOU approved the construction of first floor and single storey rear extensions and a single storey side extension at 72 Newbold Road, Desford.
- 8.5 The main issue in respect of this application is whether or not the proposed amendments are considered to be non-material to the approved planning permission with regard to visual appearance and surrounding amenity. The proposed amendments to the previously approved scheme would not result in any significant or material change to its character, appearance or the site's surrounding amenity when considered against the development originally approved. The amendments are therefore considered to be non-material in the context of the overall scheme.
- 8.6 The siting, single storey 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 change of the hipped roof form to a flat roof, with a minor 0.37 metre reduction to the ridge height. The proposed construction materials are to remain as previously approved with the exception of EPDM rubber to the flat roof.
- 8.7 It is considered that the proposed amendments would have no material impacts upon the overall 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

- 8.8 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 Planning permission 22/00744/HOU was subject to three conditions. The development has already 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 the 20th October 2022, 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 approved amended/revised proposed plans. Condition 3 (Materials) would need to be amended to refer to the revised EPDM rubber to the flat roof to ensure a satisfactory and unified external appearance remains. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

- 8.10 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 22/00744/HOU, and amended conditions detailed below;
2. This non-material amendment is approved in accordance with the approved Proposed Elevations, Drg No. 21/025/08, Side Elevation/Beam and Block Floor Plan, Drg No. 21/025/10 and the Side Elevation, Drg No. 21/025/09 as received by the Local Planning Authority on the 1st April 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).
3. The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing dwelling with the exception of EPDM rubber to the flat roof.
- 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).
- 8.11 This non-material amendment should be read in conjunction with the decision notice for 24/00156/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.

10. Conclusion

- 10.1 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission reference 22/00744/HOU has been considered in the context of the overall scheme. It is considered that the amendment proposed would not result in any significant or material visual impacts or any material impacts upon the residential amenity or privacy of any neighbouring occupiers or off-street parking provision to serve the resulting dwelling. 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 22/00744/HOU and the revised wording for condition 2 and 3 at the end of this report.

11. Recommendation

11.1. Grant non-material amendment subject to:

- The original conditions attached to planning permission 22/00744/HOU and amended planning condition 2 (Approved Plans) and amended planning condition 3 (Materials) outlined at the end of this report.

11.2. Conditions and Reasons

2. This non-material amendment is approved in accordance with the approved Proposed Elevations, Drg No. 21/025/08, Side Elevation/Beam and Block Floor Plan, Drg No. 21/025/10 and the Side Elevation, Drg No. 21/025/09 as received by the Local Planning Authority on the 1st April 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).

3. The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing dwelling with the exception of EPDM rubber to the flat roof.

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).

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.