

Delegated Report

Planning Ref: 23/00776/NMA
Applicant: Mr Rory O'Connor
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 38 Dean Road West Hinckley Leicestershire

Proposal: Non material amendment to planning permission 23/00345/HOU.
Amendment to the front, side and rear roofline, internal layout of rooms and obscure glazing to front bathroom window

1. Recommendations

1.1. Grant Non-material Amendment subject to:

- Previously imposed conditions on 23/00345/HOU
- Conditions at the end of the report
- Existing & Proposed Plans/Elevations & Sections, Drg No. 4540 as received by the Local Planning Authority on the 18th August 2023.

2. Planning application description

- 2.1. This application seeks a non-material amendment to planning permission 23/00345/HOU which was for the erection of a single storey front, side and rear extension including roof lights and alterations at 38 Dean Road West, Hinckley.
- 2.2. The non-material amendments sought in the current application relate revising the design of the roofline on the front, side and rear elevation, and relate to revising the position and design of windows and doors.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a semi-detached bungalow situated within a cul-de-sac, within the settlement boundary of Hinckley. No.38 is situated to the northern side of Dean Road West and currently features a garage, a reasonable front garden space and hosts space for one car. To the grass verge between the dwelling and the highway sits two large mature trees.
- 3.2. The surrounding area predominantly consists of semi-detached and detached bungalows all which are relatively uniform in scale and design, however varied in finish. Examples of front extensions can be viewed within the street scene, by virtue the proposed would not be out of character with the existing surrounding properties.

4. Relevant planning history

23/00345/HOU

- Single storey front, side and rear extension including roof lights and alterations
- PER
- 09.06.2023

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. 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.
- 6.2. 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. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

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.
- 2.3. With the above in mind it is necessary to consider what the existing planning permission grants permission for. Planning permission 23/00345/HOU approved the erection of a single storey front, side and rear extension including roof lights and alterations at 38 Dean Road West, Hinckley.

- 8.3 Along the front elevation of the approved development, the following changes are proposed:
- The originally approved pitched roof is to be replaced with a hipped roof measuring approximately 2.60 metres to the eaves and approximately 3.50 metres to the ridge.
 - The originally approved bin store is to be replaced with an obscure glazed window measuring approximately 1.10 metres in width and approximately 1.00 metres in height. This window is to host a bathroom.
 - The originally approved window situated to the east of the front door is to be replaced with a window measuring approximately 1.10 metres in width and approximately 1.00 metres in height.
 - The originally approved front door is to be replaced with an alternate design.
- 8.4 Along the (east) side elevation of the approved development, the following changes are proposed:
- The originally approved pitched roof is to be replaced with a hipped roof measuring approximately 3.00 metres to the eaves and approximately 3.80 metres to the ridge.
 - The windows to the east of the side elevation are to be removed.
 - The originally approved window to the rear of the side extension is to be replaced with a window measuring approximately 1.00 metres in width and approximately 0.90 metres in height.
- 8.5 Along the rear elevation of the approved development, the following changes are proposed:
- The originally approved pitched roof is to be replaced with a flat roof measuring approximately 2.80 metres. The brickwork posts to the side elevations are to measure approximately 3.30 metres in height and approximately 0.30 metres in width.
 - Two roof lights are proposed measuring approximately 0.50 metres in height and approximately 1.20 metres in width.
 - The originally approved two sets of three bi-fold doors are to be replaced with the addition of two sets of four bi-fold doors each measuring approximately 2.30 metres in width and approximately 2.10 metres in height.
- 8.6 As the building is not listed the LPA do not need to consider the internal floorplan alterations.
- 8.7 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.
- 8.8 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.

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. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.10 Planning permission 23/00345/HOU was subject to tree conditions. The proposal is considered acceptable subject to conditions as imposed on application 23/00345/HOU and reason and condition detailed below;
- This non-material amendment is approved in accordance with the Existing & Proposed Plans/Elevations & Sections, Drg No. 4540 as received by the Local Planning Authority on the 18th August 2023.
4. The window that hosts the bathroom to the front ground floor elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.
- Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking 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 23/00345/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. The proposed alteration of the design on the side west elevation, by exchanging the approved window on the right hand side of the ground floor to a door would respect the character, appearance and amenity of the site and surrounding area.

- 10.2. The amended scheme would remain in accordance with policies DM1 and DM10 of the SADMP, and the overarching principles of the NPPF. It is therefore recommended for approval subject to previously imposed conditions on planning permission 23/00345/HOU and condition 4 at the end of this report.

11. Recommendation

11.1 Grant Non-material Amendment subject to:

- Previously imposed conditions on 23/00345/HOU
- Existing & Proposed Plans/Elevations & Sections, Drg No. 4540 as received by the Local Planning Authority on the 18th August 2023.

11.2 Conditions

- 4.** The window that hosts the bathroom to the front ground floor elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. This application has been considered with regard to the following plans submitted to the Local Planning Authority, alterations upon which have been assessed as non-material:
 - Existing & Proposed Plans/Elevations & Sections, Drg No. 4540 as received by the Local Planning Authority on the 18th August 2023.
2. 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.