

Delegated Report

Planning Ref: 26/00021/NMA
Applicant: Mr Stewart Hook
Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: 11 Lismore Drive, Hinckley

Proposal: Non-material amendment to planning permission 25/00949/HOU.
Amendment to the new garage roof to form a canopy shelter, provide a parapet wall and valley gutter, and change of materials from render to brick.

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission **25/00949/HOU** and additional condition requiring compliance with the approved plans.

2. Planning application description

2.1. This application proposes a non-material amendment to planning permission **25/00949/HOU**, which was for the approval of a single-storey rear extension, garage conversion and extension.

2.2. The proposed non-material amendment seeks to amend the approved plans by retaining the proposed footprint of the extensions but add a modest 1.38m depth to the hipped roof structure only at the property's front elevation, resulting in an overhanging roof canopy to the front of the garage door and the erection of a parapet-style roof closest to the shared boundary. The amendments also include the replacement of proposed render with matching facing brick to its principal elevation. The non-material amendments are detailed in:

- Application Forms (26/00021/NMA)
- Proposed Plans and Elevations - Drg No. 25/55 03B
- Proposed Block and Location Plan - Drg No. 25/55 05

2.3 The proposed plans which have been approved in the original planning application **25/00949/HOU** are:

- Proposed Plans and Elevations - Drg No. 25/55 03A
- Proposed Block and Location Plan - Drg No. 25/55 05

3. Description of the site and surrounding area

3.1. The property, 11 Lismore Drive, Hinckley, comprises a three-bedroomed semi-detached dwelling situated on a plot measuring approximately 410m².

3.2. The dwelling is constructed predominantly using light-brown brick and features white painted render detailing centrally to the two frontage windows, and a projecting flat-roof entrance canopy, typical of 1970s residential design. The property is set back 11m from the highway by paved driveway and small turfed front garden and is bounded by a mixture of hedges and hard boundary treatment.

3.3. The application dwelling is sited forward from neighbouring detached No. 9 Lismore Drive and set back from Nos 15 and 17 Lismore Drive, which forms a stepped street frontage.

3.4. The site is not located within a conservation area, nor is the property listed.

4. Relevant planning history

25/00949/HOU

- Single-storey rear extension and side garage extension
- Permitted
- 04.12.2025

5. Publicity

5.1. No publicity is required for a non-material Section 96A application, and none has been undertaken.

6. Consultation

6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and 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. In this instance, no publicity or consultations 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 development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Character and appearance of the area
- Residential amenity

Character and appearance of the area

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 With the above in mind, it is necessary to consider the approved planning application **25/00949/HOU** was for a single-storey rear and side garage extension, with render and a hipped roof structure atop the garage element. The non-material amendment seeks to retain the ground-floor configuration and footprint but add a modest 1.38m projection to the hipped roof structure, resulting in an overhanging canopy roof..
- 8.4 The approved extension was assessed against Policy DM10 of the adopted SADMP and the Good Design Guide. The original officer report states 'by virtue of its screened siting, positioning, broadly subordinate dimensions and complementing material selection the proposal respects the character of the existing dwelling and surrounding area'.
- 8.5 The proposal proposes and retains a well-balanced front elevation, and from public view it would be difficult to distinguish the amended hipped roof structure to what was previously approved. There are a variety of roof types in the area including hipped examples, but the development cannot be easily viewed from the side owing to No. 9's garage extending to the shared boundary.
- 8.6 The parapet introduces a modest 0.7m additional height to the garage roof structure. It will not be easily visible given the side extension of No. 9.
- 8.7 The use of facing brick, as opposed to the previously approved render, would match and complement the main material palette of the host dwelling.
- 8.8 Given the above, the amendments will not have a material impact on the character and appearance of the area.

Residential amenity

- 8.9 The further projection of the hipped roof structure sits just in front of the principal elevation of No. 9 Lismore Drive. This will not result in loss of light or shadowing for any neighbouring habitable space. The additional roof massing does not result in an overbearing effect.
- 8.10 The parapet-style roof/wall at the side elevation of the dwelling is modest in height and presents no further neighbouring residential amenity concerns.
- 8.11 It is therefore considered that the amendments result in no material impacts on residential amenity.

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, it is considered that the proposed amendments to the approved plans originally approved under **25/00949/HOU**, are a non-material amendment in the context of the overall scheme.

10.2. The proposal will result in the need to vary the approved plans on the original scheme and add a condition relating to the proposed materials.

11. Recommendation

11.1 **Grant Non-Material Amendment** subject to:

- The previously approved conditions
- Amendments to the approved plans condition
- An addition condition relating to the proposed materials.

11.2 Amended and additional conditions and reasons

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Application Form (notwithstanding the proposed materials of the front and side garage walls)
 - Proposed Plans and Elevations - Drg No. 25/55 03B received on 09.01.26
 - Proposed Block and Location Plan - Drg No. 25/55 05 received on 09.01.26

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the approved application forms, the front and side garage walls shall be finished in accordance with the materials detailed on the application forms of application 26/00021/NMA and shown on Proposed Plans and Elevations - Drg No. 25/55 03B

Reason: In the interests of the character and appearance of the area, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).