

Delegated Report

Planning Ref: 25/00569/NMA
Applicant: Mr James Huckerby
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 63 Sapcote Road Burbage Hinckley

Proposal: Non-material amendment to planning application 19/00955/HOU.
Amendment to change garage door to a window and resize the front windows and porch.

Case Officer: Zahra Jam-Rotbeh
Date: 07/07/2025

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 19/00955/HOU.

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 19/00922/HOU, which was for the approval of a canopy porch, new pitched roofs, single storey rear extension and detached double garage to the front of 63 Sancote Road, Burbage.
- 2.2. The proposed non-material amendment seeks to amend the garage door (ground floor) and windows (first floor) size and position on the front elevation of the approved scheme and reduce in porch size in front elevation. This amendment is required to comply with Building Regulations.

3. Description of the Site and the Surrounding Area

- 3.1. The site is set back from a busy classified road and partly screened to its front by hedgerows. The property is set down from the highway, benefitting from a large area of off-street parking space to its front. The rear of the property is accessed along the west elevation of the host dwelling. Rear garden amenity space is vast, and land across is stable. An existing outbuilding is located to the rear of the dwelling. Boundaries around the site are marked by a mix of hedgerows and high timber fencing.
- 3.2. Properties along Sapcote Road are a mixture of detached and semi-detached dwellings similar in finish but varied in scale and design.
- 3.3. To the north east of the existing club house is the associated cricket pitch, Leicester Road FC and countryside beyond. To the west is Hinckley Town Tennis club and Hinckley Rugby Club.

4. Relevant Planning History

00/00302/FUL

- ERECTION OF REAR CONSERVATORY
- PER

- 18.05.2000

19/00955/HOU

- Canopy porch, new pitched roof to front, single storey rear and side extension and detached garage to front
- PER
- 18.10.2019

92/00855/4

- EXTENSION TO DWELLING
- PER
- 07.10.1992

91/00139/4

- SINGLE STOREY REAR EXTENSION
- PER
- 21.03.1991

88/01305/4

- PORCH AND CANOPY TO THE FRONT OF DETACHED HOUSE
- PER
- 09.11.1988

81/01032/4

- ERECTION OF A REAR PORCH
- PER
- 26.10.1981

78/02034/4M

- ALTERATIONS AND EXTENSION TO DWELLING
- PER
- 14.12.1978

5. Publicity

- 5.1. No publicity is required for a 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 consultation is considered necessary.

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:
- 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. With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale. The planning permission 19/00955/HOU approved the canopy porch, new pitched roof to front, single storey rear and side extension and detached garage to front.
- 8.4. The replacement of the garage door with windows is considered to be in keeping with the design and appearance of the building in terms of architectural interest. Furthermore, the amendments to the windows size and positioning as well as porch resizing are considered to positively contribute to the building’s architectural style, creating a sense of harmony and rhythm that reinforces the appearance and character of both the building and the surrounding area.
- 8.5. The proposed amendments are not considered to materially alter the approved development, and the overall design would remain consistent. Overall, it is not considered that there would be any adverse impact on the design, and there would continue to be no harm to neighbouring amenity.

Conditions

- 8.6. 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.
- 8.7. Planning permission 19/00955/HOU was subject to three planning conditions relating to commencement of development and compliance with plans, and materials to match the existing building.

- 8.8 No additional conditions are necessary, and this application cannot grant further planning permission. Due to the amended plan, the plans provided are to be read in conjunction with the plans submitted as part of the extant planning permission.

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 approved householder planning application at 63 Sapcote Road, Burbage, Hinckley, permitted under planning reference 19/00955/HOU, 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.

- 10.3. This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 19/00955/HOU.

11. Recommendation

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

- Previously imposed conditions on planning permission 19/00955/HOU except condition 2 which is amended by this non-material amendment application as outlined below:

11.2 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:

- Planning Drawing Dwg No. JH-002 Rev A, received: 10/06/25

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).