

Delegated Report

Planning Ref: 25/00116/NMA

Applicant: Scott McCue

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 19 Ratby Lane Markfield Leicestershire

**Proposal: Non material amendment to planning application 24/00458/HOU.
Amendment to replace rear dormer window with a Juliet balcony**

1. Recommendations

1.1. Grant Non-material amendment subject to:

- The original conditions attached to planning permission 24/00458/HOU and amended planning condition 2 (plans) outlined at the end of this report.

Planning application description

- 2.1. This application seeks a non-material amendment to planning permission 24/00458/HOU, which was for the construction of a two storey side extension, single storey rear extension, loft conversion with new roof and rear dormer and other alterations at 19 Ratby Lane, Markfield.
- 2.2. The proposed non-material amendment seeks to replace rear dormer window with a Juliet balcony.

2. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Markfield in a residential area. It is a two storey detached house with a dual pitched gable sided roof form. It has a ground floor bay window with flat roof above and a dual pitched roof gable fronted entrance porch to the front elevation. It has a garage attached to the north side elevation with a stepped brick parapet wall concealing a flat roof and a glazed conservatory with a shallow lean-to roof extending across the full width of its rear elevation. The application dwelling is constructed with dark red/brown facing bricks with white mortar to the front elevation and off-white painted render to all other elevations, original roof slates and white uPVC windows. It has a brick chimney stack to the south side elevation and soldier headers to windows. The rear conservatory has dark stained timber framed windows. In addition to the garage there are three further off-street parking spaces on the tarmac driveway and loose stone surfacing within the site frontage. There is a large well enclosed rear garden with mature planting screening neighbouring properties to the rear.
- 3.2. The application dwelling is located within a row of traditionally styled two storey detached dwellings of similar heights but varying appearance and the wider street scene provides much greater variation in scale, design, age, style and appearance with facing bricks, different coloured renders, and both slate and concrete roof tiles as common materials.

3. Relevant planning history

79/00986/4M

- Erection of storm porch

- Planning Permission
- 05.07.1979

24/00458/HOU

- Two storey side extension, single storey rear extension, loft conversion with new roof and rear dormer and alteration to dwelling.
- Planning Permission
- 25.06.2024

4. 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.

5. Consultation

- 6.1. No consultations are necessary or have been undertaken.

6. 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.
- 7.1. Core Strategy (2009)
 - No policies relevant.
- 7.2. 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
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

7. Appraisal

- 8.1. Key Issues

- Assessment
- Conditions

Assessment

- 7.2 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.
- 7.3 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.
- 2.3. With the above in mind it is necessary to consider what the existing planning permission grants permission for. Planning permission 24/00458/HOU approved the construction of a two storey side extension, single storey rear extension, loft conversion with new roof and rear dormer and other alterations at 19 Ratby Lane, Markfield.
- 7.4 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.
- 7.5 The siting, scale and footprint of the extension, separation distances to neighbouring properties and proposed matching external construction materials and detailing are to remain as originally proposed and approved. The proposed amendment is limited to the replacement of the rear dormer window with a Juliet balcony only.
- 7.6 It is therefore considered that the proposed amendment would have no material impacts upon the overall scale, 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. The proposed amendment would be non-material in the context of the overall scheme in planning terms in this case.

Conditions

- 7.7 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.
- 7.8 Planning permission 24/00458/HOU was subject to four conditions. The development has already begun therefore Condition 1 (Time) of the original planning permission is no longer necessary. 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) remains reasonable and necessary to ensure a satisfactory and unified external

appearance. Condition 4 (No Balcony Use) remains reasonable and necessary to protect the residential amenity and privacy of neighbouring properties. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

- 7.9 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 24/00458/HOU, and amended condition detailed below;

2. This non-material amendment is approved in accordance with the approved Proposed Floor, Roof Plans, Sections, Elevations, Block, Site Location Plan, Drg No. 2024/9441/02A as received by the Local Planning Authority on the 12th February 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).

- 7.10 This non-material amendment should be read in conjunction with the decision notice for 24/00458/HOU.

8. Equality implications

- 8.1 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.

- 8.2 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.

- 8.3 There are no known equality implications arising directly from this development.

9. Conclusion

- 9.1 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission reference 24/00458/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 24/00458/HOU and the revised wording for condition 2 at the end of this report.

10. Recommendation

10.1 Grant Non-material amendment subject to:

- The original conditions attached to planning permission 24/00458/HOU and amended planning condition 2 (plans) outlined at the end of this report.

11.1 Conditions and Reasons

2. This non-material amendment is approved in accordance with the approved Proposed Floor, Roof Plans, Sections, Elevations, Block, Site Location Plan, Drg No. 2024/9441/02A as received by the Local Planning Authority on the 12th February 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).

11.2 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.