

Delegated Report

Planning Ref: 23/00749/NMA

Applicant: Mr James Gray

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 19 Swinburne Road Hinckley Leicestershire LE10 0TQ

**Proposal: Non-Material Amendment of Planning Permission 23/00532/HOU.
Amendments to front elevation to line up with neighbouring property.**

1. Recommendations

1.1. Permit non-material amendments subject to:

- Conditions 1 and 3 of original planning permission 23/00532/HOU and amended planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 23/00532/HOU which granted full planning permission for single storey front extension to a semi-detached dwelling, 19 Swinburne Road Hinckley.
- 2.2. The proposed non-material amendments to the approved scheme relates to alterations to the approved plans and elevation by extending the front elevation to line up with the adjoining property.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within a residential settlement boundary of Hinckley and within a row of similarly styled and designed dwellings. It is a semi-detached two storey house with dual pitched main roof, an attached flat roof garage, a front projection with mono pitched canopy roof. The dwelling is constructed with bricks at the ground floor and render to the upper floor and white uPVC windows. In addition to the garage is a hardstanding front driveway and green grass adjacent the driveway. The dwelling is not listed and not within a conservation area.

4. Relevant planning history

23/00532/HOU

- Single storey front extension
- Permitted
- 26.07.2023

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. 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.
- 7.3. Core Strategy (2009)
- No relevant policies
- 7.4. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF 2021)
 - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Planning Authority Design Guide

8. Appraisal

- 8.1. Key issues:
- Whether the amendments to the proposed elevations, floor plans are considered to be non-material in respect of the design and visual appearance of the overall development and any impacts upon the amenities of any residential properties and therefore constitute non-material amendments to the approved scheme.
 - Conditions

Assessment

- 8.2. Section 96A of the Town and Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. The document Greater Flexibility for Planning Permissions Guidance (2010) in paragraph 42 makes it clear that there is no statutory definition of 'non-material' as this is so dependent upon 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 amendments need to be considered in the context of the overall scheme for extensions and alterations to the existing dwelling.
- 8.4. The proposed amendment is to extend the front elevation from 1.1 metres to 1.5 metres to line up with the building line of the immediate adjoining neighbours. There is no change in height, design, materials and no other alteration.

- 8.5 Front extensions should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation. It should not result in the loss of existing parking spaces where it will impact on the street scene.
- 8.6 The proposed amendment does not go beyond 2 metres. It matches with the building line of 17 Swinburne Road. The proposed amendment only includes a forward projection by 0.4 metres and does not alter the design and appearance of the overall scheme. The ridge flushes the ridge of 17 Swinburne Road. The street scene has a number of front extensions with slight changes to the building lines. Therefore, the proposed amendment remains acceptable in terms of its design and appearance and its visual impacts on the existing dwelling and the surrounding area.
- 8.7 The proposed amendment has no significant impact on parking or the front landscaping. There is no impact on adjoining properties in terms of loss of light, overbearing, overlooking effect and loss of privacy. No objections were received regarding the original application.
- 8.8 The proposed extension is considered to be modest in terms of overall design. The proposed fenestration in the original application is used to match with the existing dwelling. It is therefore considered that the proposed amendments is non-material in the context of the overall scheme as the amendments has no impact upon the acceptability of the overall scheme in planning terms.

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 The development has not yet begun therefore Condition 1 (Standard Time Condition) of the original planning permission remains reasonable and necessary and the development is to be commenced prior to the expiry of three years from 26 July 2023, the date of the original planning permission.
- 8.11 Condition 2 (Approved Plans) is amended to refer to the development being carried out in accordance with the amended proposed floor plans and elevations drawings submitted under this application.
- 8.12 Condition 3 (materials) remains as the amended plans and elevation uses matching materials proposed in the original planning permission.
- 8.13 No additional conditions are necessary to make the amended scheme acceptable in planning terms.

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, the proposed amendments to planning permission reference 23/00532/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed does not result in any significant impacts on the acceptability of the design or appearance of the originally approved scheme or any significant or material impacts upon the residential amenity or privacy of any neighbouring occupiers. The proposed amendments are therefore considered to be non-material and acceptable in the context of the overall scheme.

11. Recommendation

11.1 **Permit non-material amendments** subject to:

- Conditions 1 and 3 of the original planning permission 23/00532/HOU and amended planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location and Block Plan, Proposed Floor Plan and Elevation received by the local planning authority on 1 August 2023.

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).