

Delegated Report

Planning Ref: 25/00073/NMA
Applicant: Mr Christopher Chambers
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: The Hawthorns Leicester Lane Desford

Proposal: Non material amendment to planning permission 24/00156/HOU.
Amendment to change windows and doors and change roof light windows into
dormer style windows

1. Recommendations

1.1. Grant Non-material amendment subject to:

- The original conditions attached to planning permission 24/00156/HOU and amended planning condition 2 (plans) outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks a non-material amendment to planning permission 24/00156/HOU, which was for the construction of a two storey front extensions and link attached double garage/outbuilding at The Hawthorns, Leicester Lane, Desford.
- 2.2. The proposed non-material amendment seeks to change the window to glazed doors in the flat roof link, change the two existing side roof lights to the first floor side elevation hosting bedroom 2 and an en-suite to small dual pitched roof dormers and change the layout of the entrance door and two windows to the ground floor front elevation hosting the entrance hall, W.C. and cinema room.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in the countryside to the southeast of Desford and occupies a large rectangular plot measuring approximately 42 metres in width x 95 metres in depth on the north side of Leicester Lane. It is a two storey detached house with multiple pitched roof design with hipped main roof form and two storey projecting gables to the front and rear elevations. It has been contemporised with the use of a mix of smooth white render and vertical stained timber board cladding to the external walls, plain grey roof tiles, white uPVC windows and two wide dark grey up and over double garage doors. There is a link-detached single storey dual pitched roof outbuilding to the immediate rear and a tennis court enclosed by tall wire mesh fencing further towards the rear of the site.
- 3.2. The site is enclosed on the highway boundary by a 1.5 metres high wall finished in smooth white render. There are two vehicular accesses with electronically operated double timber gates to each set back at least 6 metres from the highway boundary. The site provides ample off-street parking and turning space within the existing double garaging and abundant concrete block surfaced hard standing within the site frontage. There is a huge, grassed garden to the rear providing substantial private amenity space. The other boundaries are enclosed by continuous hedgerows to the east side and rear boundaries and a 2 metres high solid close boarded timber fence to the west side boundary.
- 3.3. The application dwelling lies at the end of a ribbon development of large, detached houses of varying design, style and appearance within spacious plots along both sides of Leicester Lane. There are open fields to the south, east and north (rear) of

the plot. The nearest neighbouring dwelling to the west is located much further from the highway and set well back from the application dwelling.

4. Relevant planning history

83/00756/4

- Erection of garages and covered way
- Planning Permission
- 03.10.1983

90/00792/4

- First floor extension and alterations
- Planning Permission
- 01.08.1990

16/00369/HOU

- Two storey side and rear extension, demolition of existing garage and erection of 2x sets of electric gates
- Planning Permission
- 25.08.2016

18/00719/HOU

- Erection of 1.5 storey building, including a swimming pool, to the western elevation of the existing dwelling with a glass link and tennis court to the rear of the dwelling
- Planning Permission
- 25.09.2018

24/00156/HOU

- Two storey front extensions and link attached double garage/outbuilding
- Planning Permission
- 05.04.2024

24/00532/NMA

- Non material amendment to 24/00156/HOU. Amendments to door and window configuration on the front elevation and side window added to shower area
- Permit Non Material Amendment
- 12.06.2024

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.

- 7.1. Desford Neighbourhood Plan (DNP) 2018-2036 (2021)

- Policy H7: Housing Design

- 7.2. Core Strategy (2009)

- No relevant policies

- 7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

- 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

- 7.5. 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.

- 8.3 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.
- 8.4 With the above in mind it is necessary to consider what the existing planning permission grants permission for. Planning permission 24/00156/HOU approved the construction of a two storey front extensions and link attached double garage/outbuilding at The Hawthorns, Leicester Lane, Desford.
- 8.5 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.
- 8.6 The siting, single storey scale and footprint of the extensions and separation distances to neighbouring properties remain as originally proposed and approved. The proposed amendments are limited to the change of the window to glazed doors in the flat roof link, change the two existing side roof lights to the first floor side elevation hosting bedroom 2 and an en-suite to small dual pitched roof dormers and change the layout of the entrance door and two windows to the ground floor front elevation hosting the entrance hall, W.C. and cinema room. The proposed construction materials are to remain as previously approved.
- 8.7 It is considered that the proposed amendments would have no material impacts upon the overall 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. It is therefore considered that the proposed amendments would be non-material in the context of the overall scheme in planning terms.

Conditions

- 8.8 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.
- 8.9 Planning permission 24/00156/HOU was subject to four conditions. The development has already begun therefore Condition 1 (Time) of the original planning permission remains reasonable and necessary and the development would need to be commenced prior to the expiry of three years from the 5th April 2024, the date of the original planning permission. 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 (Ancillary Accommodation) remains reasonable and necessary to ensure compatible use and that the building permitted is not occupied as an independent unit of accommodation which may have additional impacts. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

8.10 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 24/00156/HOU, and amended condition detailed below;

2. This non-material amendment is approved in accordance with the approved Proposed Site Location Plan, Drg No. C160101.00 and Proposed Plans & Elevations, Drg No. C160100.02 as received by the Local Planning Authority on the 30th January 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).

8.11 This non-material amendment should be read in conjunction with the decision notice for 24/00156/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 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission reference 24/00156/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 24/00156/HOU and the revised wording for condition 2 at the end of this report.

11. Recommendation

11.1 **Grant Non-material amendment** subject to:

- The original conditions attached to planning permission 24/00156/HOU and amended planning condition 2 (plans) outlined at the end of this report.

11.2 Conditions and Reasons

2. This non-material amendment is approved in accordance with the approved Proposed Site Location Plan, Drg No. C160101.00 and Proposed Plans & Elevations, Drg No. C160100.02 as received by the Local Planning Authority on the 30th January 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).

11.3 **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.