Development Management - Delegated Officer Report

Application Number: AWDM/0419/12 **Recommendation – Permit**

Site: **83 Test Road, Sompting, Lancing BN15 0EP**

Proposal: **Application for a non- material amendment following grant of planning permission AWDM/0304/11 for single-storey rear extension to provide level access disabled shower-room with WC (existing store removed)**

Date of site visit: N/A

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

Permission is sought for a Non-Material Amendment to the former planning permission for the demolition of an existing external store and the construction of a new addition to form a disabled, level access, shower and w.c. area, at the rear of the property.

The amendment takes the form of the omission of an external door from the north side elevation and the replacement with a high level window.

Consultations – N/A

Representations – N/A

Planning Assessment

A provision to provide a mechanism to make non-material amendments to planning permissions has been introduced via Section 190 of the Planning Act 2008, which inserts Section 96A into the Town and Country Planning Act 1990. Section 190 commenced on 1st October 2009. Section 96A allows a non-material amendment to be made to an existing planning permission via a new application procedure.

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of a particular scheme what may be non-material in one context may be material in another. In order to grant an application a LPA must be satisfied that the amendment sought is non-material.

In assessing an application for a non-material amendment the Government's guidance in 'Greater Flexibility for Planning Permissions' states that the LPA must have regard to the effect of the change, together with any previous changes made under s.96A. They must also take into account any representations made by anyone notified, provided they are received within

14 days of notification. As it is not an application for planning permission, s.38 (6) of the Planning Act 2004 does not apply.

Condition 03 of ADC/0304/11 requires the development to be commenced in accordance with the approved drawings. The amendment under consideration is an alteration to the fenestration detailing on the west elevation of the extension.

The dwelling is bounded by a high garden wall, where the door in the flank wall of the original extension would not be particularly visible from the street. The replacement of the door with a window would not therefore be apparent, from the surrounding area. It is not considered that the proposed alteration, as described above would materially alter the appearance of the extension, or the visual impact within the streetscene.

Recommendation

APPROVE the non material amendment in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-

Drawing No: 17, Floor Plans. Date Received: 28.03.2012.
Drawing No: 18, Front and Side Elevations. Date Received: 28.03.2012.

Please note that the existing planning permission ADC/0304/11 still stands and that the conditions imposed upon it continue to apply to the development except that the above plan can be substituted for Drawing No's: 17 & 18 Date stamped 21.06.11.

Is recommendation contrary to letter(s) of representation? N

Case Officer: C. Hone Date: 23.04.12

Authorised by: P Barnett Date: 25.04.12