Development Management – Delegated Officer Report

Application Number: AWDM/1272/17 Recommendation – Approve

Site: Land South of Little Willows The Martlets Shoreham-by-Sea

Proposal: Application for a non-material amendment to previously approved AWDM/0236/16 for various amendments

Neighbours checked: Y
Additional neighbour notifications: N
Date of Site Visit: 27-07-2017

Site and Surroundings, Proposal

The application relates to a development of two bungalows with upper accommodation in the roof in the form of dormers (previously approved scheme (AWDM/0236/16).

During the build out the following deviations have occurred and this amendment application is sought to regularise these:-

- The Cedar Tree in south-west corner of rear garden of House 1 has been removed when it was shown to be retained. A tree specimen of an alternative species has been put forward as a replacement.
- The plot layout and landscaping has been re-configured to include: substitution of rear garden lawn to hard surfaced patio with narrow planting bed; re-position of the sheds and boundary fences at side of Houses 1 & 2 further to rear of buildings; central footway serving both dwellings in lieu of two footpaths serving each dwelling; introduction of curved corner planting bed to rear garden and reduction in planting bed parallel to south boundary
- Clear glazing and single pane opening of south facing high level window serving living room of House 1 and north facing high level window serving living room of House 2
- The front vertical glazing to the WC on both Houses has been changed to a high level square window for privacy
- A fence demarking the shared boundary forward of the buildings has been erected more than 1 metre in height
- Omission of rolling finish to roofs of dormer windows
- Use of lead for cheeks of the dormer windows not timber weatherboarding
- Use of natural slate for the main roof not composite slate
- Omission of the chimney to both houses.

Consultations
None

Representations
None

Relevant Planning Policies and Guidance
Not Applicable (see below).

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 National Planning Practice Guidance 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. However, the extent to which the proposed amendments comply with the relevant Development Plan policies is a material consideration.

The amendments are assessed below:-

The loss of the Cedar Tree is regrettable as this was visible from public view. However the tree had suffered from poor arboricultural practice in the past, and its form and shape reflected this. It would have overhung most of one of the rear gardens of the new dwelling. The tree has been replaced with an agreed specimen more suited for its restricted position in the rear garden. In time this will provide screening for occupiers from the nursing home.

The revised plot layout and landscaping at the front would provide a comparable quality to the original approved layout; each home would still have its own garden path with comparable quality planting in the front. The loss of the garden lawn to patio is disappointing but the restricted size and access to the garden meant future pressure to hard landscape the garden would have been likely. The repositioned sheds and boundary fences is also disappointing, having reduced the size of the private outdoor amenity space for both dwellings. The rear gardens would no longer comply with the Council's standards.

However the smaller gardens do at least offer an amount of private outdoor space. The amended window design has no greater propensity for harmful overlooking. It has not diminished the standard of the approved design. This is the similar case with the lack of the front vertical glazing. The height of the fence at the front is only marginally over the approved principle of having a low rise fence to demark the

garden paths; the additional height is it is of little consequence visually. The omission of the rolling finish to front dormers is disappointing but this was a minor feature and it has not diminished the overall design quality. Use of natural slate and lead for the dormer cheeks are widespread treatments for this building design so would not diminish its standard of quality. The loss of the chimneys is regrettable as their omission has reduced the standard of quality with the buildings poorer for it. However set against the development as a whole, the standard of design quality is still satisfactory.

Recommendation

Approve

The proposed amendments to the scheme would result in a standard of design that would relate satisfactorily to the established character and appearance of the street scene. The smaller rear gardens would reduce the quality of living conditions of future occupiers but not to such an extent as to warrant refusal. Both are factors that should be considered under the provisions of s.96A of the Act.

Is recommendation contrary to any representations? N

Case Officer signed: Matthew Porter Date: 21-09-2017

Authorised and signed by: Peter Barnett Date: 21 September 2017