Development Control – Delegated Officer Report

Application Number:
AWDM/0797/11

Recommendation – Permit Application

Site: **16 Kings Walk Shoreham-by-Sea West Sussex BN43 5LG**

Proposal: **Application for non-material amendment to ADC/0045/11 to extend the pitched roof of the single-storey rear extension over existing flat roofed extension in the same plane.**

The Application

The application relates to a detached chalet-style bungalow located on the north side of the road, within the built up area of Shoreham.

Permission has been granted for a rear gabled, first-floor roof extension, a ground floor single-storey flat roofed rear extension, and for alterations to the front roof dormer to enable an increase in the size of the south facing balcony (ADC/0045/11).

A non-material amendment has been permitted for the change in roof detail of the rear single-storey extension from flat roof to pitched roof (AWDM/0644/11).

Permission is now sought for further non-material amendments to the proposals, comprising, the extension of the pitched roof a further 3.5m over the west side of the existing flat roofed extension.

Consultations and Representations

Both neighbours to the east and west have been notified of the proposed amendments.

Third Parties: No third party objections.

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 04 of ADC/0045/11 requires the development to be commenced in accordance with the approved drawings. The applicant would like to alter the rear gabled extension by extending the small hipped roof (allowed underNMA application AWDM/644/11) over the existing rear flat-roofed extension, a further 3.5m.

The proposed roof detail would not be visible from the street as it would be inset 0.5m from the flank wall of the building, and given the varied character of the streetscene as a whole would not be considered to have any visual impact. Given the overall scale of the original permission and the relative impact from the proposed amendment, it is considered that the proposed amendment would be non-material.

Recommendation

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

Drawing no. 9305/1k. Date stamped received 13 October 2011.

Please note that the existing planning permission ADC/0045/11 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. 9305/4 date stamped 28 March 2011.

Case Officer: Carlos Hone Date: ~~04.10~~ 16.11.11

Agreed by [signature] Date: 16/11/11