Development Management – Delegated Officer Report

Recommendation – APPROVE

Application Number: AWDM/1039/17

Site: **303 Upper Shoreham, Shoreham-By-Sea, West Sussex**

Proposal: **Non material amendment to approved AWDM/1632/16 to retain west facing wall of kitchen in its current position.**

Date of site visit: - 6/12/16 when considering original application AWDM/1632/16

Proposal, Site and Surroundings

The application site is a substantial two-storey detached dwelling on the southern side of Upper Shoreham Road. The street and surrounding area comprises of mainly detached dwellings of similar scale with varying original design features many of which have been extended and altered over time.

The dwelling is set back from the highway with a front driveway with some soft landscaping. The main, original features of the building are the ground and first floor, curved bay windows. There is a single garage attached to the side with a later addition of a first floor extension above. There are no specific planning records for this first floor addition, although there is reference to an addition to garage in 1960, (SU/273/60.) The existing extension does not represent an overly sympathetic form of development. Yet its set-back combined with the modest roof form allow for the addition to appear subservient to the main dwelling. The roof form of the original dwelling with 'sprocketed' eaves and front bays still remain the dominant building form.

Consent was granted for a first floor addition above the existing garage forward of the existing first floor side addition. It was to create an en-suite forward of the existing first floor bedroom. Consent was also granted to rebuild a side single storey section of the building with a side lean-to roof the same width as existing at the front. The highest part of the lean-to would be the same height as the existing parapet wall, reducing to 2.5 metres adjacent to the boundary. The approved plans showed the internal partitions to be removed to form a dining room with one large window in the side elevation**.** The existing rear section of the extension is to be widened and remodelled to provide a utility room. It is to go from 1.1 metres to 1.9 metres wide, the utility extension will result in a solid side wall with removal of the existing openings.

The current application is for a non material amendment to the consent described above AWDM/1632/16. The change to the original consent is very minor it is proposed that instead of removing the single storey side addition with parapet roof and building a new structure with lean to roof that the original external wall is to remain and be incorporated into the new single storey structure.

Consultations: None undertaken.

Representations:

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.

On completion of the works there would be no visual change from that which has been originally approved. If anything the retention of the original side wall and its incorporation into the extensions and alterations would allow the use of matching bricks to appear more sympathetic and less of a visual change in materials between those which are original and those which are new. The changes are therefore in this case non-material.

Recommendation

The works proposed would not materially alter the visual appearance of the building from that which was previously approved and nor would they alter the use and function of the building. Consequently, would not have a materially different impact on the established character and appearance of the street scene or residential amenities from that which was previously approved.

It is therefore considered that the amendment should be considered under the provision of s.96A of the Act.

Approve as the proposal will not materially change the proposal or its impacts.

New Plans

Drawing no: 9232/4 Rev A – received 5th July 2017

Drawing no: 9232/8 Rev B – received 5th July 2017

Old Plans

Drawing no: 9232/4 – received 25th October 2016

Drawing no: 9232/8 Rev A – received 14th December 2016

Is recommendation contrary to any representations? N

Case Officer signed: - Hannah Barker Date: 31st July 2017

Authorized and signed by: Peter Barnett Date: 1 August 2017