Expiry Date - 01/04/2011

Development Control – Delegated Officer Report

Application Number: **AWDM/0644/11**

Recommendation – Permit Application

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

Proposal: **Application for non-material amendment to ADC/0045/11 comprising reduction in number of roof lights in East and West roof slope; addition of mono-pitched roof over rear single-storey extension; and change in size of windows in rear elevation of gable extension.**

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).

Permission is now sought for non-material amendments to the proposals, comprising, the reduction of the number of roof lights (from three to one) in the east and west roofslopes of the permitted rear gable, and the addition of a mono-pitched roof above the single storey rear extension.

Consultations and Representations

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

Third Parties:

The owners of No.17 to the west accept the size and position of the roof light, provided that it is fixed closed and fitted with permanent obscured glass as per the original directive. With regards the mono-pitched roof over the rear single-storey extension, they strongly object as it would further decrease light to their ground floor study.

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 extension by adding a hipped roof to it, and by reducing the number of rooflights in the east and west roofslope to one, although maintaining them both with obscured glass and fixed shut as per condition 03 of the same permission.

The proposed reduction in number of rooflights will de-clutter the appearance of the roof and is considered an improvement. It is not considered that this is a material change in the proposed development given the approval for three on each plane originally.

The single-storey rear extension was originally amended as part of the original permission so that it had a similar height and form to that of the existing east side rear projection. Current proposals are to add a mono-pitched roof (with two high level rooflights) above only the proposed extension, to provide additional light and a vaulted ceiling to the kitchen. The roof itself would not be particularly visible from the street and given the varied character of the streetscene as a whole would not be considered to have a material visual impact.

The mono-pitched roof over the rear single-storey extension would be 7m wide, by 1.1m in height and 2.2m in depth, however the roof would slope away from the objector's boundary at No.17 to the west, and the eaves would be lower than previously approved. Therefore the amount of proposed 'new' roof (above that already approved) would only be 0.6m in height by 1.3m in depth. Given the north facing aspect from the rear rooms of the neighbour it is not considered that the addition of the mono-pitched roof would have a material impact on light levels or outlook.

Expiry Date - 01/04/2011

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 09 September 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: 04.10.11

Agreed by Keith Morgan, Planning Services Manager Date: 05.10.2011