Expiry Date - 09/04/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0337/24 Recommendation – APPROVE

Site: 3 Castle Road Worthing West Sussex BN13 1BS

Proposal: Non Material Amendment to approved AWDM/0116/23 for single-storey rear extension. Amendment to internal room layout and fenestration to rear elevation.

Date of site visit: 13/03/2023 (for AWDM/0116/23)

Neighbours checked: Y – Only the adjacent neighbour at No. 5 Castle Road was notified.

Additional neighbour notifications: N

Site and Surroundings

The application property is located on the north side of Castle Road within a residential area. The property is a detached bungalow comprising white render to front and back elevations and facing brick to side elevations with a tiled hipped roof.

The property is set back from the public realm behind a shallow wall, front garden, and hardstanding driveway which runs along the side (west) of the property until meeting a slanted roofed garage which abuts the boundary with No. 5 to the west. This neighbouring property is spaced a good distance away and has a similar footprint and plot size as the application property.

No. 5 is separated by a shallow boundary wall and exhibits an outbuilding abutting the boundary, adjacent the application property's garage. A shallow boundary wall also separates the property from No. 17 Castle Close to the north. To the east, a tall boundary fence separates the property from the rear gardens of 123-129 St Andrew's Road.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Approved scheme

Permission was granted under AWDM/0116/23 for the demolition of the existing garage and the construction of a single-storey rear extension. The extension would create a lounge and office with fenestration to the rear. Decision issued 20/04/2023.

Proposed Amendments

A Non Material Amendment is sought to alter the internal layout by flipping the floor plan of the approved extension and rear fenestration. The revised layout would see the office and rear door with side light shift to the easterly side of the extension and the lounge and rear sliding/ bi-fold doors and roof light shift to the westerly side of the extension.

Consultations: None undertaken.

Representations: None received.

Relevant Planning Policies

National Planning Policy Framework (Revised December 2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Worthing Local Plan (2023) 2020-2036
SP1 (Presumption in Favour of Sustainable Development)
DM5 (Quality of the Built Environment)

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission. 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 local planning authority must be satisfied that the amendments sought are non-material.

In assessing applications for a non-material amendment the Government's National Planning Practice Guidance states that the local planning authority 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 this 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 principal issue is whether the proposal is non-material in nature and if the changes would give rise to a detrimental effect on the visual and residential amenities of the area.

The proposed amendment to flip the internal layout and rear fenestration of the extension is considered to be minor in nature as it would only marginally alter the appearance of the approved extension to the rear; the effects on visual amenity would therefore be negligible.

The footprint of the extension would remain the same and there is no scale increase proposed, thus, it would not give rise to a material overbearing or overshadowing effect for neighbours. Whilst the rear fenestration would be flipped, the size and form would be unchanged. Indeed, the large rear sliding/ bi-fold doors would be positioned closer to the shallow boundary with No. 5 to the west, but the resulting overlooking is not anticipated to be materially harmful as the outlook would only be towards the rear garden of this neighbours property and possible only from an oblique angle. In addition to this, the doors are considered to be sited a sufficient distance from the boundary (some approximately 1.9m).

The proposed amendments are considered non-material and are acceptable on visual and residential amenity grounds.

Recommendation

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

PROPOSED ELEVATIONS (AMENDED 03) – Version: PR.EL.A.03 – Received 12.03.2024
PROPOSED PLANS (AMENDED 03) – Version: PR.FP.A.03 – Received 12.03.2024

In place of the approved plans under AWDM/0116/23:-

PROPOSED ELEVATIONS – Version: PR.ELA.02 – Received 06.04.2023
PROPOSED PLANS – Version: PR.FPA.02 – Received 06.04.2023

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Jason Albon Date: 08.04.2024

Authorised by: Jo Morin Date: 08.04.2024