Development Management - Delegated Officer Report

Application Number: **Recommendation – Permit**
AWDM/0429/12

Site: **120 Kings Road, Lancing BN15 8DX**

Proposal: **Application for non-material amendment to planning permission AWDM/0224/11 for rebuilding flank wall in brick rather than retention of existing.**

Date of site visit: N/A

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

Permission is sought for a Non-Material Amendment to the former planning permission for the erection of a pitched roof over an existing attached workshop, with the associated conversion of the workshop into en-suite accommodation.

Subesequent to builders surveying the existing workshop it is apparent that the building fabric is inadequate on the west elevation. The amendments take the form of:

- The rebuilding of the west elevation of the workshop in face brickwork rather than retention of the existing rendered wall approved.
- The use of a brick plinth in the north elevation rather than a full rendered wall.

Consultations – N/A

Representations – N/A

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 03 of ADC/0224/11 requires the development to be commenced in accordance with the approved drawings. The amendment under consideration is an alteration to the exterior materials of the workshop to be converted from painted render to face brick.

The existing workshop is well screened by a high hedge from the west growing in the neighbours garden. A close boarded fence and gate also screen the neighbours side garden, and the siting of the proposed brick wall from view. From the front (south) the existing single garage prevents there being any view of the side of the building.

The proposed amendment would not alter the width, depth or height of the resultant en-suite accommodation and therefore there would not be a material alteration in terms of the appearance from the street.

Recommendation

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

Drawing No: 928/3/05/M date Received: 26.03.12

Please note that the existing planning permission ADC/0224/11 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: 928/3/05 Date stamped: 03.08.11.

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

Case Officer: C. Hone Date: 23.04.12

Authorised by: P Barnett Date: 25.04.12