Development Management - Delegated Officer Report

Application Number: **Recommendation – REFUSE**
AWDM/1167/12

Site: **13 Wiliams Road, Shoreham-by-Sea**

Proposal: **Application for Non-Material Amendment to front elevation of single storey extension**

Proposal, Site and Surroundings

Application for non-material amendment comprising false pitched roof and straight heads to door and window instead of previously approved parapet with curved opening heads.

Relevant Planning History

Consultations

None

Relevant Planning Policies

N/A

Planning Assessment

Principle

A provision to provide a mechanism to make non-material amendments to planning permissions was introduced via Section 190 of the Planning Act 2008, which inserts Section 96A into the town and Country Planning Act 1990.

There is no statutory definition of what 'non-material' is. This is because it is so dependent on the context of the particular scheme, what may be non-material in one context may be material in another. In order to grant an application an 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 s96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. No such neighbour consultations were undertaken in this case.

Condition 2 of AWDM/0673/12 requires that the development be commenced in accordance with the approved plans.

The proposed amendments to the scheme would result in an extension of a materially different appearance to what was previously approved.

The agent appointed by the applicant has not argued that the change is not materially different to that approved.

It is therefore considered that both of the above are material factors that should be considered as part of a full planning application, rather than under the provisions of s.96A of the Act.

Recommendation

That the application for the non-material amendment be REFUSED.

Reason

The works proposed would materially alter the visual appearance of the extension from what was previously approved and, consequently, would have a materially different impact on the established character and appearance of the street scene from what was previously approved.

The proposed amendments to the scheme would result in a poorer quality of design that would relate poorly to the host building to the detriment of the established character and appearance of the street scene.

It is therefore considered that both of the above are material factors that should be considered as part of a full planning application, rather than under the provisions of s.96A of the Act.

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

Case Officer: Matthew Porter Date: 28.11.12

Authorised by: Peter Barnett Date: 28-11-2012