Development Management - Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/0817/12

Site: **36 Adur Avenue, Shoreham-by-Sea, BN43 5NL**

Proposal: **Application for non-material amendment for increase in height by 0.2m, re-alignment of east side wall, and change in fenestration detail (AWDM/0652/12)**

Date of site visit: 23.05.12

Proposal, Site and Surroundings

Application for non-material amendments: Increase in height by 0.2m, change in fenestration detail of north elevation from 5 panel glass to three panel, and re-alignment of east side wall.

Relevant Planning History
AWDM/0652/12 – Construction of a single-storey flat roofed extension with raised rooflight to rear elevation (following removal of existing sun room). Permitted 29.06.12.

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 04 of AWDM/0652/12 requires that the development be commenced in accordance with the approved plans. The amendments sought are for the increase in height of the extension by 0.2m, the re-alignment of the east side wall of the extension, and revisions to the external fenestration to provide three panels glazing rather that 5 (including a pair of doors).

The proposed alterations to the fenestration would not materially alter the overall approved scheme and are therefore acceptable. The realignment of the east side wall would ensure no encroachment over the boundary with the attached property would occur. The increase in height of the roof of the proposed extension results in the addition of a coping stone above the approved parapet wall, adjacent to the attached house. The increase in height of the flat roof would be screened from view by this parapet. It is considered therefore that the impact of the proposed increase in height of the extension by 0.2m would be negligible.

The guidance in 'Greater Flexibility for Planning Permissions' makes it clear that where a change is non-material, s.96A allows new conditions to be imposed, or existing conditions to be removed or altered.

In this case it is recommended that condition 04 be altered to refer to the newly submitted plans.

Recommendation

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

Planning Permission AWDM/0652/12 now subject to:-

For the avoidance of doubt the approved drawing comprises:-

Drawing No: 1013/P3A	Date Received: 05.07.12
Drawing No: 1013/P2A	Date Received: 05.07.12
Drawing No: 1013/SU1A	Date Received: 05.07.12
Drawing No: 1013/SU2A	Date Received: 05.07.12
Drawing No: 1013/SU3A	Date Received: 05.07.12

Please note that the existing planning permission AWDM/0652/12 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's: WSX320168; 1013/SU1; 1013/P2; 1013/P3.

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

Case Officer: C. Hone Date: 31.07.12

Authorised by: Peter Barnett Date: 3 August 2012