Expiry Date – 16th May

Development Control – Delegated Officer Report

Application Number: AWDM/0480/13 Recommendation – APPROVE

Site: 66 Parkside, Shoreham

Proposal: **Application for Non-Material amendment to AWDM/1466/12 to increase the overall garage height by 30cm.**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a mid terrace house on the east side of Parkside. Parkside is an unmade up road which has garages for many of its houses on its west side backing onto Buckingham Park.

An application for a minor non material amendment to AWDM/1466/12 was made on 18th April for:-

- An overall increase in height of the garage by 30cm
- The use of roof tiles in place of corrugated concrete sheets for the roof.

Relevant Planning History

AWDM/1466/12 – Replacement larger garage with integral office (existing garage removed). Granted 30/1/13

Consultations

None.

Representations

Tow neighbours at 64 and 68 consulted (expd 17/5). No responses received.

Relevant Planning Policies and Guidance

Not applicable – see below.

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 2 of AWDM/1466/12 requires the development to be commenced in accordance with the approved drawings. The applicant would like to increase the height of the garage by 30cm overall by increasing the height of the base by 15cm and increasing the height of the ridge by 15cm. He would also prefer to use tiles for the roof rather than corrugated concrete sheets, as approved. Both neighbours either side of the applicants house have been consulted and do not object. The garage shell has been erected. It sits alongside other garages and does not look out of place or overly large.

The guidance contained 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.

RECOMMENDATION

That the application for the non material amendment be approved.

Is recommendation contrary to any representations? N

Case Officer signed: MOK Date: 21/05/13

Authorised and signed by: PD Date: 21.5.13