Expiry Date - 05/09/2025

Development Management – Delegated Officer Report

Application Number: AWDM/1035/25 **Recommendation – APPROVE**

Site: **8 Whylands Avenue Worthing West Sussex BN13 3HG**

Proposal: **Application for a Non-material Amendment to previously approved (AWDM/0032/25) and subsequent Non Material Amendment (AWDM/0697/25). Amendment: Amend roof height to 3000mm instead of the original 2650mm**

Date of site visit: 09.04.2025 (for AWDM/0032/25)

Neighbours checked: Y

Site and Surroundings

The application property comprises a link-attached chalet house fronting the north side of Whylands Avenue within an outer residential suburb of the town. A covered passageway links the house to a garage/store building adjoining to the west side, which in turn is attached to the flank of the neighbouring chalet house (No.10). The east flank wall of the dwelling is attached to the garage belonging to No.6.

The surrounding land slopes down to the west and south so that the application dwelling is slightly higher than its neighbour to the west (No.10), but lower than its neighbour to the east (No.6), and slightly elevated in relation to the adjoining public highway.

The site is not listed or within a conservation area. There are no TPO trees on the site.

Approved scheme

Permission was granted under AWDM/0032/25 to remove the store(s) attached to the rear of the garage and erect a brick-built single-storey rear extension measuring 3m deep and 7.2m wide with a flat roof 2.65m high with centrally positioned roof lantern and bi-fold doors to the centre of the rear elevation.

A Non Material Amendment was subsequently granted under AWDM/0697/25 to position the bi-fold doors in the rear elevation further eastward, with a window positioned to the west of the bi-fold door in the same elevation.

Proposed amendment

A further Non Material Amendment is sought to increase the overall height of the flat roof of the extension by 0.35m from 2.65m to 3m. The amendment is sought so that the internal ceiling height within the extension will line-through

with the existing accommodation and is necessary to address an error on the original drawings. The external dimensions of the footprint of the proposed extension would be unchanged - 7.123m wide and 3m deep from the main rear wall of the dwelling and existing store (to be replaced).

A drawing correction has been received showing that the extension will not encroach or overhang the site boundary with No.10.

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an 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 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 that the changes are not of consequence, significance or substance.

As amended the flat roof of the extension would now sit above the height of the existing rear gutter line. This is not an unusual scenario with flat-roofed extensions largely due to the need for roof insulation. For the most part the extension will be screened by the 'bulk' of the host dwelling except that part which extends to the rear of the attached garage. This part of the flat roof will be visible above the lower flat roof of the existing garage, as will part of the roof lantern. However, these elements will be set back over 20m from the edge of the public highway and will not dominate the appearance of the dwelling or materially detract from its appearance.

The side wall of the extension is set off the common boundary with No.10 by 0.5m. The latter has been enlarged by a rear conservatory approximately 3m deep with a solid brick-built flank wall set in nominally from the common boundary.

The proposed extension will be a similar depth to the neighbour's conservatory. However, as No.10 is on lower ground, the proposed flat roof as amended will project approximately 0.5m above the eaves of the neighbouring conservatory. Considering the solid brick construction of the neighbour's conservatory wall, it is considered the additional height of the proposed flat roof will have no material adverse impact on the amenities of No.10 in terms of loss of light or overbearing effect.

Recommendation

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

P-003 05 B Existing and Proposed Plans, Elevations and Block Plan Dated Sept 2025 - Received 26.09.2025

This supersedes: -
Drawing P-003 05 B Existing and Proposed Plans, Elevations and Block Plan Received 30.05.2025

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: Jo Morin Date: 26.09.2025

Authorised by: Peter Barnett Date: 26 September 2025