Development Management – Delegated Officer Report

Application Number: AWDM/0012/20 Recommendation – APPROVE

Site: 72 Old Fort Road, Shoreham-By-Sea

Proposal: Non Material Amendment to approved AWDM/1666/18 for revised porch design and omission of chimneys from rear elevation.

Date of site visit: 28th January 2020

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposals

The application relates to a new dwelling on the south side of Old Fort Road which is nearing completion following demolition and redevelopment of the site. Originally consent was granted in August 2018 for the demolition of existing dwelling and outbuildings and erection of new replacement two-storey dwelling with balconies to front and rear, two detached garages to front and patio to rear (AWDM/0464/18). Following this amendments were made to the consent under AWDM/1666/18 changes included the removal of pitched roof over front balcony, removal of east side garage and increase in size of west side garage, roof light to front roof slope and other minor design changes.

The current application seeks a non material amendment to the development as approved under the most recent amendment AWDM/1666/18. A revised porch design is proposed. The existing front pillars are to be reduced in width to provide a narrower balcony projection with railings. One set of double doors will open from the first floor onto the balcony. The balcony as previously approved was much wider filling the entire recess with wide pillars.

It is also proposed to remove the chimneys from the building design. The dwelling has been constructed without the chimneys as there was no requirement for them.

In all other respects the works will remain as approved.

Representations: None received.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 21, 37
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'' 'Space Around New Dwellings and Flats'
National Planning Policy Framework (July 2018)

Planning Practice Guidance (CLG 2014)

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 in so much that that the proposed changes are not of consequence, significance or substance.

In this case the development proposed is a reduction in scale from that already permitted. The design of the porch has been altered therefore the appearance of the development will be different however this will not be to a significant degree in terms of the development as a whole. The design variation is more modest with a much less dominant entrance feature. The reduction in width of the balcony is a significant change to a more modest appearance. It is also development set in from the boundaries of the site. The balcony will have black railings and the porch will be constructed from reconstituted stone the same stone as is currently existing on the completed window sills at the application site. The loss of the chimneys is not significant here either. Both changes would therefore have no material impact upon residential or visual amenity.

Recommendation

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

Drawing No. JB 400/ planning 07E – received 7th January 2020
Drawing No. JB 400/GA 70 – received 7th January 2020
Drawing No. JB 400/ planning 101 – received 7th January 2020
Drawing No. JB 400/ planning 102 – received 7th January 2020
Drawing No JB 400/planning 103 – received 7th January 2020

The existing planning permission AWDM/1666/18 still stands and the conditions imposed upon it continue to apply to the development except that the above plans be substituted for:

Originals
Drawing No. JB 400/ planning 07E – received 28th November 2018
Drawing No: JB 400/ planning 12D – received 28th November 2018
Drawing No: JB 400/planning 11D - received 28th November 2018
Drawing No. JB 400/planning 10D – received 31st October 2018

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: Hannah Barker Date: 3rd February 2020

Authorised by: Peter Barnett Date: 4 February 2020