Expiry Date – 3/10/12

Development Control – Delegated Officer Report

Application Number: AWDM/1079/12 Recommendation – APPROVE

Site: 2 Abbey Road, Sompting

Proposal: **Non material amendment to ADC/0424/07 for larger garage door to front elevation, additional rooflights and new ground floor window to side elevation.**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Semi detached bungalow on the east side of Abbey Road close to the junction with Cokeham Road. The bungalow has an existing side garage with false pitch linked to the side of the house with a second front entrance between.

In 2007 permission was granted for a replacement side extension, loft extension and conservatory to rear. The conservatory has been built.

An application for a minor non material amendment to ADC/0424/07 was made on 5th September 2012 for:

- a widened front garage door, in place of a garage door and window,
- the installation of a side window to light a relocated study within the approved floorspace and for
- the installation of two rooflights in the original front roofslope.

The conservatory extension has been built but the side extension to which this application relates has not begun on site.

Relevant Planning History

ADC/0424/07 – Removal of outbuilding and replacement side extension, loft extension and conservatory to rear. Granted 5/9/07.

Consultations

None.

Representations

The neighbour at 24 Cokeham Road has been consulted. No response has been received.

Relevant Planning Policies and Guidance

Not applicable.

Planning Assessment

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. Section 190 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.

The rooflights proposed in the roofslope of the original house are Permitted Development under part C as the section shows the windows to do not protrude more than 150 mms from the roof slope. .

The widened garage door in place of the approved garage door and side window is not considered to be harmful to the appearance of the approved extension, house or wider streetscene.

The remaining proposed change is the insertion of a window in the side wall to light a study room to be formed within the approved floorspace. The approved scheme includes a utility window and glazed door in this flank wall already. No conditions were attached to the original permission that required this window and door to be obscurely glazed or fixed shut. Having visited the site it is clear the proposed study window will sit approximately 2.5 metres off the shared boundary with 24 Cokeham Road and will look out towards a typical 1.8 metre high panel fence and solid flank wall of an extension at No. 24. It is not considered that any overlooking or other loss of amenity will be caused to occupiers of No. 24.

The occupiers of No 24 Cokeham Road were consulted on this application. No representations have been received.

The guidance contained in 'Greater Flexibility for Planning Permissions' makes it clear that where a change is non-material, s.96A allows such changes to be agreed without the need for a fresh application. It is considered that the proposed changes are non-material.

Recommendation

That the application for the non material amendment be approved. **Replace drawings 1002/03 B and 1002/04 B received 24/8/07 under planning reference ADC/0424/07 with 1002/03 C and 1002/04 C received 5/9/12.**
Is recommendation contrary to any representations? N

Case Officer signed: MOK Date: 28/9/12

Authorised and signed by: PD Date: 1.10.12