Development Management - Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/0489/14

Site: **50 Middle Road Shoreham-By-Sea West Sussex**

Proposal: **Non-material amendment to AWDM1294/13 to increase width of permitted single-storey rear extension from 6.8m to 7.4m**

Proposal, Site and Surroundings

Application for non-material amendment to increase the width of a previously approved extension from 6.8 metres to 7.4 metres

Relevant Planning History
AWDM/1294/13
Single storey rear extension with external steps (conservatory removed)
Approved Conditionally 02.01.2014

Consultations
None

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.

A condition of AWDM/1294/13 requires that the development be commenced in accordance with the approved plans.

The proposed amendment to the scheme would not result in a materially different appearance to the building - the slightly wider extension would still be very similar in its appearance to the original in terms of its visual prominence, exterior material and would not materially diminish the design quality of the extension.

The proposed amendment to the scheme would not result in a materially different impact onto neighbours – the slightly wider extension would still be very similar in terms of its un-harmful overshadowing and overbearing impact onto neighbours due to the continued retention of sufficient distances between the extension and neighbouring buildings, and the continued absence of windows/openings in the side elevation of the extension means no greater impact in terms of un-harmful overlooking and loss of privacy.

Recommendation

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

Reason

The works proposed would not materially alter the visual appearance of the building from what was previously approved nor would it materially alter the impact onto the neighbours in terms of overlooking, privacy, overshadowing and/or overbearing and, consequently, it would not have a materially different impact on the established character and appearance of the street scene or the residential amenities of neighbours from what was previously approved.

The proposed amendment to the scheme would result in an equivalent quality of design that would relate satisfactorily to the established character and appearance of the street scene.

It is therefore considered that both of the above are factors that should be considered under the provisions of s.96A of the Act.

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

Case Officer: Matthew Porter Date: 12.5.14

Authorised by: Peter Barnett Date: 12 May 2014