Expiry Date - 26/08/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0980/24 **Recommendation – APPROVE**

Site: **14 Latimer Road Worthing West Sussex BN11 5EP**

Proposal: **Non Material amendment to approved AWDM/1760/23 for amendments to the proposed size, design and position of the rooflights.**

Date of site visit: 23/08/24

Neighbours Notified: Y – 14 days

Additional neighbour notifications: N

Site and Surroundings

The site is located to the north side of Latimer Road within a residential area of Worthing, close to the seafront. The property comprises of a detached bungalow with brick elevations and a hipped roof with small box dormer to the front and integral garage. The building is set back from the road behind a low wall and parking area to the frontage.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Approved scheme

Planning permission was granted under application AWDM/1760/23 for rooms in the roof consisting of enlarged/extended front dormer, rooflights to sides and rear, enlargement/extension of front entrance porch, white render and timber cladding to external walls, new grey roof tiles, replacement of existing windows and doors including modifications to openings.

Proposed amendments

The application seeks a non-material amendment for changes to the proposed size, design and position of the rooflights. The approved plans showed a small roof light to the west elevation, serving the ensuite and two rooflights to the east elevation serving the stairs and a bedroom.

The roof lights installed consist of:
One small roof light to the west side that has been moved further towards the rear and is clear glazed and openable and positioned above 1.7m from finished floor level and serves a walk in wardrobe.

One large roof light to the east elevation, positioned further rearward and lower down on the roof slope and serving the stairs. The revised roof light is fixed shut and will be obscure glazed with applied film.

It should be noted that the rear dormer shown on the amended plans has been constructed under permitted development and does not form part of the amendments for consideration.

Representations:

None received

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (HCLG 2023)
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.

Visual Amenity

The amendments are to the rooflights at the side of the property and are not clearly visible from the road to the front. The alterations made to the size, design and position of the roof lights do not have any adverse impact on the visual amenities of the locality.

Residential Amenity

The amended roof light to the west side would remain above 1.7m from finished floor level and serves a non-habitable room (walk in wardrobe) and would not result in any detrimental impact on amenity.

The amended roof light to the east elevation is much larger and lower on the roof slope than originally approved however, this roof light serves the stairwell (a non-habitable area) and measured from the finished floor level directly below the bottom sill of the roof light this exceeds 1.7m. Although some views of the neighbour's garden are possible, these views are very limited and only available from the top of the stairs and are not therefore considered to result in any significant adverse impact on amenity, in terms of overlooking.

The applicants have confirmed that obscure film will be applied to the east roof light. It should be noted that due to the very limited opportunities for overlooking to the neighbour's property and the non-habitable use of the stairs that this roof light serves, the use of obscure film is not required to address concerns of overlooking but is accepted as a gesture of goodwill between neighbours.

There would be no significant detrimental impact on the neighbour's amenities as a result of the changes to roof lights.

Conclusion

The changes to roof lights proposed by this application are considered to be non-material in nature and would not have any adverse impact on the visual amenities of the locality or any significant additional impact on residential amenity and are therefore acceptable.

Recommendation

APPROVE

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: Amanda Haslett Date: 28/08/24

Authorised by: Jo Morin Date: 28.08.2024