Development Management - Delegated Officer Report

Application Number: AWDM/0880/22 Recommendation – APPROVE

Site: Penhill Court, Penhill Road, Lancing

Proposal: Non-Material Amendment to approved AWDM/0177/19 change the diameter of the handrail of each balustrade from 42.6mm diameter to 76.1mm diameter.

Date of site visit: Visited to assess previous applications

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site is a purpose built two storey flat roof building accommodating 9 flats. It is on Penhill Road where there is a mixture of houses, flats and bungalows of various style and appearance.

The application site is not listed or within a Conservation Area.

Approved Scheme

Planning permission was granted under application AWDM/0177/19 for replacement balconies on the existing building as they did not meet current building regulations and therefore are potentially unsafe. The replacement balconies were to be opaque glass with steel balustrade, these were to be slightly higher than the existing balconies and gaps are to be enclosed between the rails and the glazing. The balustrades were approved as powder coated white.

Proposed Amendments

The current proposal shows the thickness of the balustrade to be changed from the approved 42.6 mm diameter to 76.1 mm diameter to meet with the requirements of the structural engineer.

Representations

None

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

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 change to the proposed balconies is minor in relation to the already granted consent. The balustrade will be slightly thicker in diameter. There will be no impact visually as a result of this change within the context of the building as a whole. There will be no adverse impact as a result of the changes to the balustrade in terms of visual amenity and character and appearance of the existing building.

Residential amenity

The changes will have no impact upon residential amenity.

Conclusion

The proposed amendments are considered to be non-material in nature and would not have any adverse impact on the visual or residential amenities of the area and are therefore acceptable.

Recommendation

APPROVE

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

Case Officer: Hannah Barker Date: 6th June 2022

Authorised by: Peter Barnett Date: 6 June 2022