Development Control – Delegated Officer Report

Application Number: AWDM/0414/13 Recommendation – APPROVE

Site: 382 Brighton Road Shoreham-By-Sea West Sussex BN43 6RE

Proposal: Non material amendment to ADC/0411/06 to alter layout of the top floor studio flat (Retrospective)

Date of site visit: 4 April 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property comprises a three-storey mid-terrace building with semi-basement and third-floor accommodation within a mansard roof.

Planning permission was granted in January 2007 under ADC/0411/06 for its conversion and alterations to provide 3 x 1-bedroom flats and 1 studio flat. The approved plan shows the studio flat within the roof consisting of a single large room comprising a shared living, sleeping, cooking area with a separate bathroom. As built, the position of the kitchen area has been moved to the east side of the flat unit and a dividing wall has been built separating the sleeping area from the kitchen area. The sleeping area opens into the living area, but has a greater degree of separation than as approved.

Details reserved by conditions of planning permission ADC/0411/06 have been approved and the conversion is largely complete although the reinstated wall and railings enclosing the frontage have not yet been carried out.

Consultations: None

Representations: None. There are no implications for third parties.

Relevant Planning Policies

Saved Local Plan policies (ADC 1996): AG1, AH2, AH5
Appendix 11 ‘Supplementary Planning Guidance’ comprising:
Development Control Standard No.4 ‘Flat Conversions’
Good Practice Guide ‘Internal Space Standards for New Homes’
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

S96A of the Act allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material'. This is because it is 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 for a Non Material Amendment the Local Planning Authority must be satisfied that the amendment sought does not materially alter the approved scheme. 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.

As it is not an application for planning permission, S.38(6) of the Planning Act 2004 does not apply.

Visual amenity

The Non Material Amendment sought has no implications for the external appearance of the building.

Residential amenity – Effect on the living Conditions of future occupiers

The approved studio flat had a floor area of 36sqm which exceeds the minimum requirement of 30sqm for a bedsitting room within the DC Standard 'Flat Conversions' (and 32sqm for new residential development within the Good Practice Guide). The new layout has arisen as a result of impracticalities associated with installing the kitchen area in the position shown on the approved drawing and the desire to provide the sleeping area with a greater degree of separation (and privacy) from the living area.

The overall size of the flat unit does not meet the minimum requirement of 45sqm for a 1-bedroom flat within the DC Standard 'Flat Conversions' (or 51sqm for a 1-bedroom flat within the Good Practice Guide for new residential development). In practice, however, the layout as built provides a reasonable standard of living accommodation for a single person with both the living/kitchen/dining area and separate sleeping area provided with good standards of natural daylight and an outlook.

Residential amenity – Effect on the amenities of neighbouring residential occupiers

The Non Material Amendment sought has no implications for amenities of neighbouring residential occupiers.

Parking and Highway Safety

There is no off-street parking to serve any of the flats. However, the site is in a highly sustainable location. It is considered there are no implications for highway safety.

Recommendation

That the retrospective application for the Non Material Amendment to the layout of the third-floor flat be **APPROVED.**

Case Officer: Jo Morin Date: 25 June 2013

Authorised by: Gary Peck Date: 26 June 2013