Development Management – Delegated Officer Report

Application Number: AWDM/0162/23 Recommendation: Approve

Site: 39 Kingston Lane, Southwick

Proposal: Application for a non-material amendment to previously approved AWDM/0760/22. Amendments: Alterations to roof lights on side elevations and alterations to front porch.

Date of Site Visit: Joint visit including internal inspection with Enforcement on 9 January

Proposal, Site and Surroundings:

This application seeks a non material amendment for the relocation of rooflights on the side elevations and the redesign of a porch. Planning permission was granted in 2021 and 2022 for the development with the second permission allowing a variation of condition to change to tile hanging from render. The development is now being implemented and is substantially complete but was subject to a complaint concerning the height of the building. Following an internal inspection, it was evident that the rooflights remain in excess of 1.7 metres above the floor level of the room but their position on the roofslope itself had altered hence this application to regularise the situation.

The subject building was previously a bungalow sitting between 2 pairs of semi detached dwellings and as a result of the works, the building is now of a similar height to its neighbours.

Planning History:

AWDM/0760/22: Raising of the roof ridge and eaves to form rooms in roof with side (north) dormer and rooflight to both sides; single storey rear extension; first floor front extension over existing bay. Application to vary Condition 3 (materials) of approved AWDM/1313/21 to allow for tile hanging rather than render at first floor

Consultations:

None

Representations

1 letter of objection has been received from the neighbour to the south:

The new plans bear no resemblance to the current construction, no additional window on the ground floor, no extension , one picture has been added with no contextual

detail changes, no actual measurements, the rooflights have been moved, how can this be an application for an amendment when it has already been built, surely this is now fait accompli !!!!! This is now not open to change as your paperwork is just to rubber stamp it. The following is clearly found on your website

General Principles
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When designing an extension and deciding on an appropriate siting, the two most important things to ensure are; that the design of your extension achieves an appropriate relationship with the design of the existing house and; that it also takes into account any impact on the street scene.
To achieve this, you will need to consider carefully the following:

iv. the effect on the privacy of neighbours and the light reaching their property !!!

We are now directly overlooked and our privacy is truly invaded, so where was/is the consideration and discussion for neighbours ??
Please do not come back with the rooflights are 1.7 off floor level, we are objecting to the repositioning and low level from the original plans dated 07/10/2021 which we also objected to then concerning these rooflights and the impact it would have on our privacy, yet 16 months later they have now been repositioned without planning permission/consent and are in a different position than the original plans.

In addition to our previous objection, we would like to add that there is no photographic evidence of the south facing roof lights and there direct over looking position into our house, just a picture of the north facing roof light..... why would one not show pictures of both sides, North and South ????

Relevant Planning Policies

Adur Local Plan 2017 Policies 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
National Planning Policy Framework (July 2021)
Technical Housing Standards – Nationally Described Space Standard (DCLG 2015)

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. s96A also allows for changes to conditions:

Power to make non-material changes to planning permission

(1)A local planning authority ... may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2)In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3)The power conferred by subsection (1) includes power—

(a)to impose new conditions;

(b)to remove or alter existing conditions.

Following the receipt of concerns regarding the implementation of the permission, 2 site visits were made to the property including an internal inspection of the building. It was established that there was no breach in terms of the height of the building and it was clearly evident from the internal inspection of the property that the rooflights as re-sited offer no view of the adjoining properties windows with only the top of the roof being visible. As shown on the submitted plan, as their height remains over 1.7 metres above floor level, they remain in compliance with the previously imposed condition.

The porch now has a slightly steeper pitch and in a road of mixed character has little impact upon the street scene.

In this case, the proposed changes are considered to be non material as they do not result in a material change to the character or appearance of the development or to residential amenity. It will allow for demolition to take place ahead of the drainage condition being discharged.

Recommendation

APPROVE the non-material amendments in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-

Drawing number – PL1C – Additional Floor Plan received 2 February 2023

…….. existing planning permission AWDM/0760/22 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing Number PL1 Rev B received 9 May 2022

Case Officer: Gary Peck Date: 1 March 2023

Authorised by: James Appleton Date: 1 March 2023