Expiry Date – 9/12

Development Control – Delegated Officer Report

Application Number: AWDM/1762/19 Recommendation – Grant

Site: **58 Busticle Lane, Sompting**

Proposal: **Application for Non-Material Amendment to approved AWDM/0076/19 for bi-fold doors to rear in place of 2no. double doors**

Site and Surroundings

This application relates to a detached bungalow, with room in the roof, on the east side of Busticle Lane south of the junction with the A27, Upper Brighton Road. The property is set well back from the road on rising land which continues to rise to the back garden boundary. To the south is a similar though semi detached bungalow. To the north are two pairs of recently built terraced houses in an 'L' shaped Mews arrangement.

The site is not in a conservation area and is not listed.

Proposal

Non-Material Amendment to approved ground floor rear extension to allow bi fold doors in the rear wall in place of the approved paired French doors permitted under AWDM/0076/19) .

Relevant Planning History:

AWDM/0076/19 Single storey rear extension (existing conservatory removed) Granted 28.2.19

Consultations: None

Representations: None undertaken.

Planning Assessment

A provision to provide a mechanism to make non-material amendments to planning permissions has been introduced via Section 190 of the Planning Act 2008, which inserts Section 96A into the Town and Country Planning Act 1990. Section 190 commenced on 1st October 2009. Section 96A allows a non-material amendment to be made to an existing planning permission via a new 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 LPA must be satisfied that the amendment sought is non-material.

In assessing an application for a non-material amendment the Government's National Planning Practice Guidance states that the LPA 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 it 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.

Conclusion

Planning permission was granted in February of this year for a ground floor rear extension.

This application for a non-material amendment proposes to replace paired French doors in the proposed rear wall with bi folds instead.

The proposed change will not result in any material harm to the neighbouring residential property or the character and appearance of the area in general.

Recommendation

Approve as the proposal will not materially change the proposal or its impacts.

New Plans

Drawing No: 18/1328/01 A – Proposed single storey rear extension, received 11.11.19
Drawing No: 18/1328/02 A – Proposed single storey rear extension, received 11.11.19

Old Plans

Drawing No: 18/1328/01 – Proposed single storey rear extension. Granted 28.2.19
Drawing No: 18/1328/02 – Proposed single storey rear extension. Granted 28.2.19

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

Case Officer:	MOK	Date: 5.12.19
Authorised by:	Peter Barnett	Date: 5 December 2019