Development Control – Delegated Officer Report

Application Number: AWDM/1799/14 Recommendation – APPROVE

Site: 3 Beach Road

Proposal: Application for non-material amendment to previously approved AWDM/0513/13. Amendment: Enlarge window to front elevation

Neighbours checked: Y
Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property is a two-storey dwellinghouse, recently subject to an extension of a contemporary design (AWDM/0513/13 refers). The surrounding area is an outer residential suburb of Shoreham, on the beach.

The proposal consists of enlargement of the front window (double the width previously approved).

Consultations: None

Relevant Planning Policies
Saved Adur Local Plan: AH7

Planning Assessment

Principle

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 LPA must be satisfied that the amendments sought are non-material.

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2010 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary.

In assessing applications 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. In this case

no consultations were deemed to be necessary. 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 saved Local Plan policies is a material consideration.

Visual amenity

The amended fenestration would be sympathetic to the rest of the extension, which continues to exhibit a contemporary design approach.

Residential amenity

The amended fenestration arrangement would not materially harm the living conditions of neighbours to any greater degree than what was previously approved.

Recommendation

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

Drawing No. 1211AL(0-)05E titled Proposed Plans and Elevations date valid 24-12-2014

Existing planning permission AWDM/0513/13 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 No. 1211AL(0-)05A titled Proposed Plans and Elevations date valid 28-05-2013

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

Case Officer: Matthew Porter Date: 23rd February 2015

Authorised by: Peter Barnett Date: 23 February 2015