**Development Management - Delegated Officer Report**

**Application Number:** **Recommendation – Permit**
**AWDM/0828/12**

**Site:** **120 Kings Road, Lancing BN15 8DX**

**Proposal:** **Application for minor material amendment to planning permission AWDM/0224/11 including insertion of window in front elevation of converted workshop (garage removed and hardstanding area formed under permitted development)**

**Date of site visit: N/A**

**Neighbours checked: N/A**

**Additional neighbour notifications: N/A**

**Proposal, Site and Surroundings**

Permission is sought for a Non-Material Amendment to the former planning permission for the erection of a pitched roof over an existing attached workshop, with the associated conversion of the workshop into en-suite accommodation.

Subsequent to builders surveying the existing garage at the front of the dwelling requires demolition. The demolition of the garage does not require planning permission, however as a result it is requested that a window be inserted into the front elevation of the new ensuite accommodation.

**Consultations – N/A**

**Representations – N/A**

**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 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 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.

Condition 03 of ADC/0224/11 requires the development to be commenced in accordance with the approved drawings. The amendment under consideration is an alteration to the south elevation of the en-suite accommodation, after the demolition of the existing garage.

Whilst the loss of the garage would change the character of the appearance of the dwelling this development can be undertaken without requiring planning permission, The addition of the window which would be 1.2m wide, by 1.1m in height would not be considered material in the context of the original approval.

**Recommendation**

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

Drawing No: 928/3/05/C, 928/3/0B date Received: 06.07.12

Please note that the existing planning permission ADC/0224/11 still stands and that the conditions imposed upon it continue to apply to the development except that the above plan can be substituted for Drawing No: 928/3/05 Date stamped: 03.08.11.

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

Case Officer: C. Hone Date: 16.08.12

Authorised by: Gary Peck Date: 16 August 2012