DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: 4 Madeira Avenue
WB/09/1036/FULL/NMA1

DATE OF SITE VISIT: Various post-decision.

NEIGHBOUR NOTIFICATIONS: None

PROPOSAL, SITE AND SURROUNDINGS:

Planning permission was granted in February 2010 for the reversion of the above property into a single dwelling house together with a single-storey extension and two dormer windows on the rear elevation; the demolition of an existing garage and erection of new garage (south elevation), plus alterations including the removal of an existing chimney on the south elevation and reinstatement of a chimney on the north elevation.

An application to discharge the conditions of planning permission was received on 29 October 2010.

A retrospective application for a non material amendment has been made comprising:-

- Three rooflight windows on the rear (east) roofslope serving 2 bathrooms in place of the approved 2 no. pitched-roof dormers;

The submitted drawings also show:-

- Retention of the chimney on the south side of the dwelling;
- Omission of the chimney to be reinstated on the north side of the dwelling;
- Retention of the blocked-up window on the north elevation.

RELEVANT PLANNING POLICIES Not relevant.

RELEVANT CONSULTATION RESPONSES AND REPRESENTATIONS:

A representation has been received from the resident of 10 Madeira Avenue stating:-

"Where were we, the immediate neighbours no informed? Is this case of retrospective planning permission being sought rather than non-material amendments as builders have already put in velux windows rather than dormers as stated in approved planning permission? Or is this new building work? Why on this supposedly non-material amendment does it say window singular than that windows plural as there have been 2 velux windows installed? Doers this mean there will be 1 dormer and 1 velux? If this is new building work then we demand information etc. as already one south facing window has been completely blocked of sun and light by side extension and fence at 4 Madeira Avenue. This was approved by Ms J Morin and not

investigated properly even though James Appleton did not disagree that it broke all BRE rules. So we need to know what is happening here as mistakes have certainly already been made with regard to planning assessment and planning consent."

A letter dated 16 March 2011 detailing the retrospective amendments together with a copy of the submitted drawings was sent to the neighbour.

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 was commenced on 1 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. The discretion lies with the Local Planning Authority as to how and whether interested parties are notified of an application for a non material amendment. In this case, no notifications were undertaken as it was considered that all of the proposed amendments sought involve lesser impacts on the immediate neighbour to the north at 6 Madeira Avenue. [The applicant owns the adjoining properties to the south and east.]

S.38(6) of the Planning Act 2004 does not apply to the consideration of the application.

The Council's Solicitor has not identified any reason why an Application for a Non Material Amendment may not be dealt with retrospectively.

The 3 no. rooflight windows (0.7m x 0.8m) are sited on the original rear roofslope and serve a bathroom (2 no.) and en-suite shower room (1 no.). The insertion of rooflights involves less 'bulk' than the approved dormer construction and gives rise to no greater intensity of overlooking. If anything, the scope for overlooking is lessened by the angled position of the rooflights within the roofslope compared to the approved dormers.

The omission of the chimney on the north side has no implications for the adjoining neighbour, and the effect on the appearance of this character property is balanced by the retention of the existing chimney on the south side.

The retention of the blocked-up first-floor window on the north side has no adverse amenity implications for the neighbour and is not visible from the street.

RECOMMENDATION

That the application for a non material amendment for three rooflight windows on the rear (east) roofslope serving 2 bathrooms in place of the approved 2 no. pitched-roof dormers permitted under WB/09/1036/FULL., is approved.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

Yes

Delegated Decision

Case Officer Sign..... Date 26.8.11

Authorising Officer Sign..... Date 26/8/11