DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: 2 Madeira Avenue
WB/09/1035/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, construction of new ground-floor front bay window; plus alterations including the removal of an existing gable and bay window on the south elevation and reinstatement of a chimney on the west 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:-

- Retention of original bay window and roof gable on south elevation.

The submitted drawings also show:-

- The retention of the original ground-floor bay window on the front elevation (in place of the larger bay window approved under WB/09/1035/FULL).
- A first-floor rear infill extension formed by extending the original cat slide roof in place of the rear infill extension approved under WB/09/1035/FULL formed by raising the eaves and extending the existing hipped roof eastwards.

RELEVANT PLANNING POLICIES Not relevant.

RELEVANT CONSULTATION RESPONSES AND REPRESENTATIONS:

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

"Please see the comments in email dated 8 March 2011 re 4 Madeira Avenue. We have lost all faith in the probity of Worthing Planning Department due to the recent mistakes and events and cannot believe that we have not been informed of what is going on next door to us. What does this mean – does it mean the chimney is not being moved? That the finished house is different to the one planning permission was granted for?

A letter dated 16 March 2011 detailing the retrospective amendments together with a copy of the submitted drawings was sent to the neighbour at No.10.

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 have no impacts on the neighbour further to the north at 6 Madeira Avenue. [The applicant owns the adjoining properties to the north, 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 bay window and roof gable on the south side are character features which express the dual aspect of this former corner property. The approved scheme granted under WB/09/1035/FULL allows for their removal and replacement with a hipped-roof and flush-fitting windows. The officer's Committee Report states:-

"The removal of the roof gable and bay window would result in a loss of original character features which is regrettable although understandable in the context of the neighbouring land....." [At the time subject to a separate application for a pair of dwellings WB/09/1064/FULL, subsequently refused and dismissed at appeal.]

The retention of these original character features can therefore be welcomed whilst resulting in a closer physical relationship with the approved dwelling to the south (approved under WB/10/0472/FULL). There would be a gap of some 4.8m between the retained bay window and the north side of the new dwelling (not yet commenced). However, this would not result in a cramped appearance in streetscene terms.

In terms of the potential effects on residential amenity, it is relevant that the adjoining site to the south is within the ownership of the same developer and that the north elevation of the approved dwelling is secondary in nature containing windows serving a WC, plus window and door to a utility room (all ground- floor) plus first-floor landing window. Condition 13 of WB/10/0472/FULL requires the windows/door in the north side of the new dwelling to be obscured glazed at all times. The retention of the bay window and roof gable have no material impact either in terms of residential or visual amenity.

The omission of the replacement bay window on the front elevation has no material impacts on neighbouring properties and allows for an original feature to be retained.

The first-floor rear infill extension involves less 'bulk' than the extension approved under WB/09/1035/FULL and therefore has less impact on the adjoining property to the north, No.4, and has no adverse amenity implications for the neighbours further beyond to the north. The same developer owns the land to the rear (east).

RECOMMENDATION

That the application for a non material amendment for the retention of the original bay window and roof gable on the south elevation, in place of the hipped roof and flush windows permitted under WB/09/1035/FULL, is approved.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

Yes

Delegated Decision

Case Officer [redacted]
Sign.....Date.....26·8·11

Authorising Officer [redacted]
Sign.....Date.....30/8/11