Development Control – Delegated Officer Report

Application Number: AWDM/1029/14 **Recommendation – REFUSE**

Site: 46 Mill Road Lancing West Sussex

Proposal: **Application for non-material amendment to planning permission AWDM/0212/14: Amendment: resiting of stainless steel handrail and structural glass guarding on south elevation 800mm to sit on edge of parapet wall to correspond with other elevations**

Neighbours checked: Y
Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a detached two-storey dwellinghouse of a modern design and style. It occupiers an elevated backland plot, at the rear of properties in Heyshott Close.

This application is for a non-material amendment to the scheme previously approved under AWDM/0212/14, by way of:-

- resiting of stainless steel handrail and structural glass guarding on south elevation 800mm to sit on edge of parapet wall

Relevant site history
AWDM/0212/14
Single-storey extension to south and west elevations with roof terrace above
Approved Conditionally 02.04.2014

Consultations
None

Representations
None

Relevant Planning Policies

Adur Local Plan (Saved policies): AG1, AH7
National Planning Policy Framework

Planning Assessment

Principle

A provision to provide a mechanism to make non-material amendments to planning permissions was introduced via Section 190 of the Planning Act 2008, which inserts Section 96A into the town and Country Planning Act 1990.

There is no statutory definition of what 'non-material' is. This is because it is so dependent on the context of the particular scheme, what may be non-material in one context may be material in another. In order to grant an application an 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 s96A.

The resiting of the handrail and guarding would involve an enlargement of the roof terrace from what was previously approved.

In the original planning application planning officers and the planning agent negotiated an amendment to the proposal which involved the setting back of the handrail and guarding, so that there was no increase the extent of the roof terrace. This amendment was secured following concerns raised over the potential for overlooking and loss of privacy to the neighbours to the south. One of these neighbours formally objected to the original application, and cited overlooking and loss of privacy as a concern. This neighbour explicitly requested the area of roof terrace not be made larger.

The neighbours to the south are set lower than the application property, which is elevated above them. Because of its elevation views can be obtained from the roof terrace onto the private gardens and habitable rooms of the bungalows to the south, above the existing boundary screening. Several of these bungalows have habitable accommodation in their roof by way of rooflights in the rear roof slope and/or rear dormer.

It is therefore considered that the above are factors that should NOT be considered under the provisions of s.96A of the Act.

Recommendation
That the application for the non-material amendment be REFUSED, for the reason:

The works proposed would materially alter the extent of overlooking from the previously approved development by extending the area of roof terrace from what was previously approved and, consequently, would have a materially different impact on the residential amenities of neighbours to the south from what was previously approved in terms of their levels of privacy.

It is therefore considered that both of the above are material factors that should be considered as part of a full planning application, rather than under the provisions of S.96A of the Act.

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

Case Officer: Matthew Porter Date: 14-8-14

Authorised by: Peter Barnett Date: 14 August 2014