

Delegated Application Report

Address: 47a Dudley Close

Application No: 220242/NMA

Proposal: Single storey front and rear extensions to semi-detached dwellings approved under planning permission 190236/FUL, dated 02/07/20

Target Date: 21/03/22

Case Officer: Tom Hughes

Site Description and Surrounding Area

The application site comprises a pair of semi-detached dwellings, located to the rear of properties on Dudley Close and Armour Hill. The surrounding area is residential in character.

Proposal

Non-material amendments to planning permission 190236/FUL are sought. More specifically, these comprise:

- porch extensions to each dwelling, projecting to a depth of 1.3m
- full width, single storey rear extensions to each dwelling, projecting to a depth of 3.025m
- alterations to fenestration, with the main entrances moved from the side elevations to front of each dwelling
- all amendments sought are retrospective

Consultations

Applications under Section 96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO. Despite this, two representations were received raising the following matters:

- the extensions have already been built and did not form part of the original application
- the extensions are very close to neighbouring properties
- the extensions may lead to further first floor extensions, which could result in overlooking of neighbouring properties
- the house is not the same colour as in the drawings and is not in keeping with existing housing stock
- a planning notice has not been displayed and neighbouring properties have not been notified
- loss of privacy through overlooking would occur to properties on Dudley Mews
- loss of sunlight and daylight to properties on Dudley Mews
- overbearing impact on properties on Dudley Mews
- the extensions would reduce the residential garden space of each dwelling
- the extensions would cause harm to the street scene

Plans Considered

The Local Planning Authority, in reaching its recommendation, has taken into consideration the following documents:

Application No: 190236/FUL

Drawing No: GP/02/18 Rev. K - Proposed Site Plan

Drawing No: GP/01/18 Rev. E - Proposed Floor Plans and Elevations

As received 09/04/20

Application No: 220242/NMA

Drawing No: 1326/1 - Proposed Floor Plans and Elevations

As received 22/02/22

Relevant Planning History

190236/FUL - Demolition of 8no. garages and erection of two semi-detached dwellings, with associated parking and landscaping - Permitted 02/07/20

Equality Act 2010

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified in the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Guidance

Whilst there is no statutory definition of what constitutes a ‘non-material’ amendment, Section 96A, Part 2 of The Town and Country Planning Act 1990 (as amended) states that, *“In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this Section, on the planning permission as originally granted”*.

Relevant Policies

The proposed amendments are assessed for materiality, not on the basis of their planning merits. Planning policies therefore do not apply.

Appraisal

A non-material amendment is sought retrospectively for the erection of single storey front and rear extensions and alterations to fenestration and access. By virtue of their scale, the extensions are beyond what could be considered a minor change. As a result of the extensions, the footprint of the dwellings has increased by approximately 35% over that which was approved originally. Furthermore, the extensions conflict with condition 22 of the original planning permission, which removed permitted development rights for extension and enlargement of the dwellings. The rationale for applying this condition was due to the constrained nature of the site, with LPA scrutiny to be given to any future development proposals on the site. The proposals are therefore deemed to constitute a material change to the original planning permission.

Conclusion

The Local Planning Authority considers that the changes proposed by this application do constitute a material change to the approved planning permission. The non-material amendment is not agreed.

Recommendation

Refuse non-material amendment