

Delegated Application Report

Address: 49 Oak Tree Road

Application No: 220103/NMA

Proposal: Alterations to fenestration, to extension and associated works approved under planning permission 210710/HOU dated 23/06/21

Target Date: 21/02/22

Case Officer: Tom Hughes

Site Description and Surrounding Area

The application site comprises a two storey detached dwelling. The surrounding area is residential in character.

Proposal

Non-material amendments to planning permission are proposed. More specifically, these seek:

- Alterations to the size of two ground floor windows to the front elevation
- Alteration to the size and location of a first floor window to the south-westward side elevation
- Removal of a ground floor window to the rear elevation

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.

Plans Considered

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

Application No: 210710/HOU

Drawing No: 06d - Proposed Elevations

Application No: 220103/NMA

Drawing No: BR12e - Proposed Elevations

Relevant Planning History

201429/HOU - Part one, part two storey rear extension - Permitted 02/12/20

210710/HOU - Part one, part two storey rear extension and various external alterations - Permitted 23/06/21

211740/NMA - Non-material amendment to application 210710 - raise flat roof to rear extension - Agreed 26/11/21

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

In the context of the permitted scheme it is not considered that the amendments will have any material impact on the overall design, neighbour amenities or quality of accommodation for future occupier’s intentions. This is primarily owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed change being of a relatively minor scale and nature in this context.

An informative is recommended which states that this permission relates only to the change highlighted on plans. Furthermore it shall only be read in the context of the substantive permission, and is bound by all the conditions attached to that permission. A further informative is recommended which states that in reaching this decision, the Local Planning Authority is satisfied that the change proposed by this application does not constitute a material change to the approved planning permission.

Conclusion

The Local Planning Authority is satisfied that the change proposed by this application does not constitute a material change to the approved planning permission.

Recommendation

Grant non-material amendment