

DELEGATED APPLICATION REPORT

Address: 73 Queensway

Application No: 210352/NMA

Proposal: Non-Material Amendment to planning permission 171683 for the reduction in size of approved single storey rear extension and roof alterations

Applicant: Mr Graham White

Extended Target Decision date: 09/04/21

Case officer: Connie Davis

1. Site Description and Surrounding Area

The application relates to a two storey end of terrace dwelling located on the south side of Queensway.

2. The Proposal

The originally approved extension included set in 0.2m from the boundary with no. 71. It proposed a hipped to this side of the extension which would have an eaves height of 2.3m. The roof would be mono-pitched elsewhere. The originally proposed extension would be 2.9m in depth.

The overall height of the extension will also be reduced from 3.5m to 2.8m due to the loss of the pitched/ hipped roof, although the eaves height of the extension would be increased by 0.4m. The mono-pitched/ hipped roof is proposed to be replaced with an entirely flat roof, and fenestration alterations are also proposed.

Public Consultation

i. Neighbour Consultation

No statutory requirement for any for this type of application. However, one comment was received from no. 71 Queensway and the following concerns were raised:

- Increase in the eaves height would block natural light to dining/ living room
- Different design and materials are proposed which are out of keeping with surrounding properties
- The extension would breach the 60 degree rule of thumb specified in the Design Guide to House Extension's SPD
- The proposal would be overbearing and result in a loss of light

Comments were also raised about the original application and its acceptability in relation to the above. However, the case officer deemed the original application acceptable in terms of neighbouring amenity. As such, this non-material amendment does not override that original conclusion, only assess the impact the proposed changes would have in terms of design and neighbouring amenity.

A Councillor enquiry was also raised based on the neighbour comments above.

3. Consultations

None for this type of application.

4. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the following documents:

Approved plans at time of application

CW.10 rev A - Site/Block Plan
CW.13 rev A - Proposed Ground Floor Layout
CW.14 rev A - Proposed Elevations

Received on 6th December 2017

Location Plan ref. 472798, 176578

Received on 3rd October 2017

Proposed plans as part of this application

30720-04 - Proposed Elevations
30720-03 - Proposed Ground Floor Plan
00821-05 - Typical Section

Received 4th March 2021

5. Relevant Planning History

6. 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 by 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.

7. Relevant Planning Guidance

- i. 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."*

8. Relevant Policies

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

9. Appraisal

Impact on Amenity

The applicant seeks to reduce the depth of the extension by 0.5m along the boundary with no. 71 so as to not build over a Thames Water drain. The rest of the extension's depth would remain as originally approved. There is not considered resistance to this element of the proposal as the extension would be reducing in scale to what was approved and would reduce the bulk of extension along the boundary with no. 71. The overall height of the extension will also be reduced from 3.5m to 2.8m due to the loss of the pitched/ hipped roof, although acknowledging the eaves height of the extension would be increased by 0.4m.

Whilst a line of 60 degrees would marginally be breached as a result of the revised extension, the 60 degree rule of thumb is guidance rather than policy, and so is applied on a case by case basis.

Whilst the eaves of the extension would be increasing, the overall scale of the roof would be reducing. This, in combination with the modest depth along the boundary (2.4m), is not considered to result in an overbearing impact or loss of light to a more harmful degree than the original scheme for which this non-material amendment is required to be assessed against.

Design

Amendments are proposed to the roof form, rooflights, fenestration and scale of the proposal. The design alterations, when assessed cumulatively, are considered to result in a scheme that materially differs to the original in terms of design and appearance. In particular, the roof form is considered a stark contrast to the originally approved (going from pitched/hipped to flat). The amount of individual changes proposed to the design is considered beyond the scope of a non-material amendment and would need to be assessed under a Section 73 application or new householder application.

It should be noted that the proposed elevational drawings do not show the reduction in depth of the extension along the boundary with no. 71. As it is not considered the proposal is non-material, amended plans were not pursued.

Time Limit

The original permission was granted in December 2017 and expired in December 2020. However, under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval. This is due to the Coronavirus pandemic. The applicant has advised that works had begun in April 2021.

10. Conclusion

Overall, the proposed amendments are considered material changes to the approved design and scale of the original planning permission. A change of this nature would require a householder planning application.

Recommendation

Refuse Non-material amendment

Reason for refusal:

The cumulative alterations to the design of the extension is not considered to represent a non-material amendment to the original permission (171683) and therefore is not agreed.

Informatives:

1. In making its decision, the Local Planning Authority took into consideration the following plans:

30720-04 - Proposed Elevations
30720-03 - Proposed Ground Floor Plan
00821-05 - Typical Section

Received 4th March 2021

2. The applicant is advised to submit a Section 73 amendment application or householder planning application for this scheme to be considered further.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within an agreed timeframe.