

DELEGATED APPLICATION REPORT

Address: 19 Grosvenor Road, Reading

Application No: 181255/NMA

Proposal: Non material amendments to planning permission 180444 (Alterations and extensions to dwelling to include 1 & 1/2 storey side extension, single storey rear extension and detached garage to replace existing garage) to alter the size and design of the single storey rear extension - including replacing an approved skylight with a roof lantern - and omission of two windows and one skylight serving the gym/office on the side/rear elevation.

Applicant: Mr & Mrs Goodwin

Date received (valid from): 18/07/18

Target Decision date: 15/08/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

The site comprises a detached, two-storey property, with further accommodation in the roof, which sits to the western side of an unusually wide plot on the south side of Grosvenor Road. The property is set back from the highway with driveway parking and a detached garage located to the eastern side of the plot. The property is constructed mainly from red brick with render and brick detailing to the first floor and render and timber framing to the front gable of the property. The property has unusual roof geometry with a hipped roof to the western elevation and a forward projecting gable to the eastern end with a small gable end to the main roof sitting above the eastern facing roof slope of this gable.

2. The Proposal

Non-material amendments to planning permission 180444 granted on 17/05/2018 are proposed. More specifically, these seek to alter the size (from 6m wide x 4m depth & a maximum height of 3.1m to 5.65m in width, 4.2m in depth and a maximum 4m in height) and design of the single storey rear extension previously approved - including replacing an approved skylight with a roof lantern and altering the approved fenestration pattern. It also proposes the omission of two windows and one skylight serving the approved gym/office room on the side/rear elevation (windows are on the east facing elevation) adjacent to the boundary with No. 17a.

3. Public Consultation

- i. Neighbour Consultation
No statutory requirement for any for this type of application.

4. Consultations

- i. No statutory requirement for this type of application.

5. Plans Considered

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

Approved plans at time of application 180444

3349/201 Rev J Proposed ground floor plan
3349/203 Rev K Proposed elevations

Proposed plans as part of this application

6539-01 - Minor Amendment Plan and Elevations
Received 18th July 2018

6. Relevant Planning History

162359 - Erection of two storey side (east) extension following demolition of existing garage; single storey rear extension with external terrace above, following demolition of summer/plant room; rear verandah, single storey side (west) extension and associated works. Withdrawn 20 December 2016.

180444 - Alterations and extensions to dwelling to include 1 & 1/2 storey side extension, single storey rear extension and detached garage to replace existing garage. Granted 17/05/2018.

181256 - Alterations to previously approved single storey rear extension. Works include a single storey timber framed Orangery with glazed roof lantern and rendered gym / office area with matching flat roof. Current application under consideration.

7. 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.

8. 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."*

9. Relevant Policies

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

10. Appraisal

- i. Whilst acknowledging the context of the permitted scheme it is considered that some of the amendments go beyond the scope of what can be considered as non-material amendments in this instance. More specifically, the proposed change in dimensions of the single storey rear extension (as detailed above) and change in design approach (from a contemporary approach with folding stacking doors and a minimally projecting rooflight to the proposed orangery with extensive roof lantern - adding an additional 0.9m in height to the works - and windows/doors with glazing bars and brickwork below the windows) means that although a single storey rear extension is still proposed, its size and design idiom would be in contrast that that previously approved. Accordingly, it cannot be considered as a non-material amendment and would instead more likely be a minor material change to the approved scheme. In-fact on the plans and in the covering letter the agent themselves refer to the proposals as minor amendments. As such, it may be the case that the agent is unfamiliar with the clear distinctions between non-material (section 96a) and minor material (section 73a) applications. Moreover, the applicant nevertheless submitted a duplicate application as a householder permission at the same time, so the proposals will therefore be able to be separately assessed under that application process.
- ii. The omission of two windows and one skylight serving the approved gym/office room on the side/rear elevation (windows are on the east facing elevation) adjacent to the boundary with No. 17a would, had they been considered in isolation, been considered non-material changes. However, split decisions cannot be issued in this type of application and, given the rear extension changes are not considered non-material, the entire proposals is resisted.
- iii.

11. Conclusion

- i. The local planning authority considers that the proposed changes go beyond what is considered to constitute non-material changes to the approved planning permission.

Recommendation

Refuse Non-material amendment

1. The proposed alterations to the approved ground floor rear extension, owing to the changes in size and different design idiom, are considered to go beyond the scope of a non-material amendment to planning permission 180444.

Informatives:

1. The applicant is advised that had the omission of two windows and one skylight serving the approved gym/office room on the side/rear elevation been considered in isolation, these would have been considered non-material changes. However, split decisions

cannot be issued in this type of application and, given the rear extension changes are not considered non-material, the entire proposals is resisted.

2. Given there is no right of appeal against the refusal of this non-material amendment decision, should the applicant continue to seek approval for the proposed changes then it is advised to submit either a minor material amendment application (to vary the wording / approved plans specified by condition 2 of permission 180444 under section 73 of the act) or submit a separate householder application solely for the elements now proposed. It is noted that householder application 181256 has been submitted. The issuing of this decision does not prejudice the consideration of separate application 181256.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within the recommended timeframes.
4. In reaching this decision the local planning authority has considered the following plans:

Approved plans at time of application 180444

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3349/203 Rev K Proposed elevations

Proposed plans as part of this application

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