

DELEGATED APPLICATION REPORT

Address: 14 Hemdean Rise

Application No: 180125/NMA

Proposal: Non-material amendments to planning permission 140090, to increase size of rear access steps to include a decking area.

Applicant: Mr & Mrs P O'Donovan

Date received (valid from): 22/01/2018

Target Decision date: 19/02/2018

Case officer: Tom French

1. Site Description and Surrounding Area

The application site includes a two storey terrace dwelling located on the west side of Hemdean Rise in Caversham. Permission was granted at the application site on the 26/03/2014 for a loft conversion and single storey rear extension. From a site visit it is clear that construction is underway.

2. The Proposal

A Non-material amendment to planning permission 140090 granted on 26/03/2014 is proposed. More specifically, to increase the size of the rear access steps to include a decking area.

3. Public Consultation

Neighbour Consultation

No statutory requirement for any for this type of application.

Nevertheless, a nearby occupier has responded seeking the application to be declined based upon the loss of privacy resulting from the instillation of the decking area.

4. Consultations

No statutory requirement for this type of application.

5. Plans Considered

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

Approved plans at time of application 150595

O'Donovan-0114-01 - Proposed Ground Floor Plan

O'Donovan-0114-02 - Proposed First Floor Plan

O'Donovan-0114-04 Rev. A - Proposed Elevations

O'Donovan- 0114-06 Rev. A Block and Location Plans

As received 12/03/2014

Proposed plans as part of this application

6. Relevant Planning History

27/01/2014 - HOU - Single storey rear extension - Application Permitted

18/05/2015 - NMA - Non-material change to planning permission 140090/FUL for excavation of 20 cubic metres of rear garden area to create storage area with door and window - Agree

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

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

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

10. Appraisal

In the context of the permitted scheme it is considered that the proposed amendment does have a material impact on design and neighbouring amenities. This is primarily owing to the increase in the footprint of the decking and the potential for overlooking the neighbouring properties as a result of the ground level changes across the application site.

11. Conclusion

The local planning authority is not satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission. A change of this nature would require a householder planning application.

Recommendation

REFUSE Non-material amendment