

DELEGATED APPLICATION REPORT

Address: Land adjacent 43 Oakley Road

Application No: 180337/NMA

Proposal: Non-material amendments to planning permission 170784 (construction of a single storey garage) to replace two windows on each side elevation with two roof lights on each side elevation.

Applicant: Mr William Frank-Gemmill

Date received (valid from): 21/02/2018

Target Decision date: 03/04/2018

Case officer: Tom French

1. Site Description and Surrounding Area

The application site is situated on the rise in Oakley Road close to the junction with Blenheim Road. It is currently used as a surfaced open parking court associated with the applicant's property in Blenheim Road and is enclosed by fences and a wall. There is an existing vehicle crossover. The area is wholly residential in nature and characterised by detached and semi-detached houses on medium sized plots, mostly with garages and/or off road parking to the front.

Permission 170784 granted planning permission to erect a detached single garage with storage space for ancillary purposes in association with the applicant's house in Blenheim Road. It would measure approximately 5.2m wide x 5.4m long x 4.25m high with a hipped roof on all sides.

2. The Proposal

Non-material amendments to planning permission 170784 granted on 13/07/2017 are proposed. More specifically, these seek to include four roof lights to replace the four windows, two on each side elevation roof slope, on the approved single storey garage.

3. Public Consultation

Neighbour Consultation

No statutory requirement for any for this type of application.

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 170784

The following drawings were received on 19th May 2017:

101 - Existing (Site Layout Plans & Elevations)

106 - Proposed C (Site Layout Plans & Elevations)

2017-382-201 - Existing & Proposed Site Plans
2017-382-202 - Existing & Proposed Block Plans
2017-382-203 - Location Plan

Proposed plans as part of this application

106 - Proposed C (Site Layout Plans & Elevations)
106 - Proposed C (Amended Site Layout Plans & Elevations), dated 05/02/18
As received 21/02/2018

6. Relevant Planning History

170784 - Construction of a single storey garage - Application Permitted 13/07/17.

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 not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom or neighbour amenities. This is primarily owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context.

An informative is recommended which states that this permission relates only to the changes highlighted on the plans. Furthermore it shall only be read in the context of the substantive permission, and is bound by all conditions attached to that permission. A further informative is recommended which states: In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

11. Conclusion

The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

Recommendation

Grant Non-material amendment

1. The drawing hereby approved as Non-material Amendments to original planning permission 170784 are as follows:

106 - Proposed C (Amended Site Layout Plans & Elevations), dated 05/02/18

As received 21/02/2018

Reason: To clarify which plans are approved.

Informatives:

1. This permission relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 13/07/17 under reference number 170784, and is bound by all the conditions attached to that permission. That permission still stands and this notice (and any other notices issued under section 96a for this development) should be read together.
2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.
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.