

Application for a Non-material amendment to Planning Permission F/TH/19/0803 – 9 Edmanson Avenue Margate

Planning Committee – 15th July 2020

Report Author: **Duncan Fitt, Planning Officer**

Planning Reference: F/TH/19/0803

Site Address: 9 Edmanson Avenue Margate

Applicant: Mr & Mrs S & T Ward

Status: **For Decision**

Classification: Unrestricted

Ward: **Westbrook**

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application FH/TH/19/0803 for the erection of a single storey rear extension following part demolition of existing conservatory and extension, together with alterations to roof to facilitate loft conversion and insertion of velux windows to front, rear and both side elevations.

The application is reported to Members as the applicant is a member of staff.

The proposed changes involve the reduction in the depth of the proposed rear extension, removal of a sun pipe and alterations to the internal layout. The report outlines the non-material procedure and the consideration for this application, concluding that the changes proposed are considered non-material to the original permission.

Recommendation:

Members approve the application for a non-material amendment to planning permission under reference F/TH/19/0803.

CORPORATE IMPLICATIONS

Financial and Value for Money	No implications.
Legal	The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.

	<p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
Corporate	No implications
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

- 1.1 The site is located towards the southern end of Edmanson Avenue and comprises a detached bungalow.
- 1.2 Planning permission was originally granted in 2019 for the erection of a single storey rear extension following part demolition of existing conservatory and extension, together with alterations to roof to facilitate loft conversion and insertion of velux windows to front, rear and both side elevations by the Planning Committee in August 2019.
- 1.3 An application has subsequently been made to the Council under Section 96A of the Town and Country Planning Act 1990 to make a non-material amendment to the development as approved in 2019. The proposed changes involve a reduction in the depth of the rear extension, removal of a sun pipe and alterations to the internal layout.
- 1.4 The application for a non-material amendment is reported to the Planning Committee as the applicant is a member of staff.

2.0 Outline of Process

- 2.1 The non-material amendment procedure was introduced in 2009 as an addition to the Planning Act under Section 96A. This provided a mechanism to make non-material changes to existing planning permission through an application with a quicker decision time (28 days), to deal with new issues that may arise after permission has been granted (for example to resolve issues found during construction).

- 2.2 There is no statutory definition for what constitutes a ‘non-material’ change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependent on the context of the overall scheme and “what may be non-material in one context may be material in another”. Section 96A of the Planning Act 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.”.
- 2.3 The decision for the Council is whether the change is non-material or material to the planning permission. If the change is considered ‘material’ then a planning application would need to be submitted under Section 73 of the Planning Act for a variation of the plan condition to make the change (this is also known as a minor material amendment application).
- 2.4 As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.

3.0 Analysis

- 3.1 The applicant has submitted elevations, floor and layout plans showing the amendments to the scheme.
- 3.2 The proposed amendment reduces the depth of the proposed single storey rear extension by 1m, removes a sun pipe that was approved from the southern side elevation and alterations to the internal layout.
- 3.3 The single storey rear extension does not extend beyond the proposed side elevations of the property and would therefore have limited visibility from the public realm. Due to the location of the extension and its reduced size the proposed amendment is not considered to result in any significant harm to the character and appearance of the area.
- 3.4 The impact of the approved extension upon the neighbouring property occupiers was considered acceptable in terms of loss of light, sense of enclosure and overlooking. By reducing the depth of the extension any impacts of the development would be reduced. The proposed amendment is therefore not considered to result in any significant harm to the living amenity of the neighbouring property occupiers.
- 3.5 The approved sunpipe was set back towards the rear of the southern side elevation and was limited in size. The removal of the sunpipe could be completed without the benefit of planning permission and would result in limited visual change to the appearance of the property.
- 3.7 It is no longer proposed to use the first floor as a bedroom. This space would now be used as storage accessed through a loft hatch. As a staircase is no longer required minor changes are proposed to the internal layout of the property, however these could be completed without the need for planning permission.

Conclusion

3.6 The previously approved extension was larger than the amended extension that is proposed and therefore any impacts upon the character and appearance of the area or the living amenity of the neighbouring property occupiers would be reduced. The removal of the sunpipe and the internal changes could be completed without the benefit of planning permission. As such the proposed change is considered to be non-material.

4.0 Options

4.1 Members approve the application in accordance with the officer recommendation.

4.2 Members propose an alternative motion.

5.0 Recommendations

5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

Contact Officer:	<i>Duncan Fitt, Planning Officer</i>
Reporting to:	<i>Annabel Hemmings, Principal Planning Officer</i>

Background Papers

MHCLG	https://www.gov.uk/guidance/flexible-options-for-planning-permissions
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