

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	17/03/2023
Planning Manager / Team Leader authorisation:	AN	21/03/23
Planning Technician final checks and despatch:	ER	22/03/2023

Application: 23/00349/NMA **Town / Parish:** Lawford Parish Council

Applicant: Mr Tim Bichara

Address: Crossways Wignall Street Lawford

Development: Non Material Amendment to application reference 22/01893/FULHH for proposed changes to window positions and sizes on rear elevation, back door moved from side to rear elevation and existing window on side elevation replaced with door.

1. Town / Parish Council

Lawford Parish Council No Objections

2. Consultation Responses

Not required

3. Planning History

20/00768/FUL	Erection of 2 no. 3 bedroom detached dwellings including new access.	Approved	12.01.2021
21/00254/FUL	Variation of Condition 8 (Visibility Splay) of Approved Planning Permission ref: 20/00768/FUL (Erection of 2 no. 3 bedroom detached dwellings including new access.). Amendments to site visibility splay to ensure achievable access.	Approved	19.04.2021
22/01646/DISCON	Discharge of conditions 3 (Landscaping Scheme), 7 (Archaeology) and 17 (CMS) of application 21/00254/FUL.	Approved	08.12.2022
22/01707/DISCON	Discharge of condition 7 (Written Scheme of Investigation) of application 20/00768/FUL.		14.10.2022
22/01893/FULHH	Proposed single storey rear extension.	Approved	20.01.2023
22/01984/FUL	Proposed 2no. dwellings with associated landscaping and parking.	Current	
23/00349/NMA	Non Material Amendment to application reference 22/01893/FULHH for proposed changes to window positions and	Current	

sizes on rear elevation, back door
moved from side to rear elevation
and existing window on side
elevation replaced with door.

4. Relevant Policies / Government Guidance

Not required

5. Officer Appraisal (including Site Description and Proposal)

From 1st October 2009 a new provision under Section 96A of the Town and Country Planning Act came into force allowing a Local Planning Authority, on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non-material.

The key test as to the acceptability of an application for a non-material change is whether the change is material to any development plan policy. If the answer is 'no', three further tests should be applied:

1. Is the proposed significant in terms of its scale (magnitude, degree etc.), in relation to the original approval?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

Appraisal

This application seeks permission for a Non Material Amendment to application reference 22/01893/FULHH.

The changes include

- Repositioning of rooflights to the rear elevation.
- Rear door moved from side to rear elevation
- Existing window on side elevation replaced with door.

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the development.

The proposed change will be publicly visible however alterations will be inkeeping with other elements in situ on the main house and are of a minor nature. The change would therefore not result in a harmful impact to the overall appearance and character of the dwelling, development and area.

The site is located within a conservation area however the alterations are minor and are considered not to be detrimental to the character and appearance of such.

The openings to the rear have not increased in term of number compared to the original application and as they will positioned within the roofslope are considered not to achieve significance views of neighbouring sites.

The alterations to the other openings will be at ground floor and largely screened by boundary treatments preventing a significant reduction of amenities to neighbouring sites.

Conclusion

In this instance it is considered the amendments being sought are minor and are therefore acceptable as a non-material amendment to the approved plans attached to 22/01893/FULHH.

6. Recommendation

Approval Non Material Amendment

7. Conditions

1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

NMA001
NMA002
NMA003

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

8. Informatives

Not required