

20/00633/NMA

88 PARKLANDS, ROCHFORD

**PROPOSED NON-MATERIAL AMENDMENT RELATING TO
PLANNING CONSENT REFERENCE 19/00889/FUL
INVOLVING NARROWING OF THE PROPOSED SINGLE
STOREY SIDE EXTENSION**

APPLICANT: **MRS KAY RAWLINSON**
ZONING: **RESIDENTIAL**
PARISH: **HAWKWELL PARISH COUNCIL**
WARD: **HAWKWELL EAST**

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That the non-material amendment be approved in conjunction with the original planning application reference 19/00889/FUL, subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The external facing materials to be used in the construction of the development hereby permitted shall match (i.e. be of an identical appearance to) those of the corresponding areas of the existing building unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: In order to ensure that the development harmonises with the character and appearance of the existing building, in the interests of visual amenity.

- (3) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1500; 1501_R1; 1502_R1; 1503_R1_ 1504_R1; 1505; 1506_R1

REASON: To ensure that the development is carried out in accordance with the provisions of the development plan.

2 PLANNING APPLICATION DETAILS

- 2.1 This application is brought before Members because the applicant is a member of staff.
- 2.2 The non-material amendment now sought involves the narrowing of the single storey side extension that was approved under planning application reference 19/00889/FUL. The revised drawings are proposed as a result of a drain that the approved plans would have built over. No additional fenestration is proposed.
- 2.3 The proposed non-material amendment would reduce the side extension from a width of 3.85m at the rear to 2.685m. The front elevation of the side extension would be reduced in width from 2.4m to 1.88m. The height and depth of the proposal would remain the same.
- 2.4 It is worth noting that the original planning application reference 19/00889/FUL was not determined at Committee. This was due to the fact that it was overlooked that the application was being made by an employee of the Council. The application therefore was permitted under delegated powers.

3 MATERIAL PLANNING CONSIDERATIONS

Assessment

- 3.1 Section 96A of the Town and Country Planning Act confers powers to Local Authorities to allow for non-material amendments to planning permissions. A local planning authority in England may make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. 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.
- 3.2 The power conferred by sub section (1) includes power to impose new conditions and/or to remove or alter existing conditions.
- 3.3 As a matter of procedure, the normal provisions relating to notification do not apply; however, it is noted that the Local Planning Authority must take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38 (6) of the Planning and Compulsory Purchase Act does not apply.

- 3.4 There is no legal definition of what changes may be treated as being non-material. Nor has the Government issued any guidance. However, this change to procedure was partly introduced in response to the Killian Pretty review with the objective of taking steps to allow a streamlined and faster approach to inconsequential changes to development proposals. Each non-material amendment request will be considered on its merits having regard to all relevant circumstances. The following considerations allow for a structure to the consideration of those merits:-
1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approval? If no, then 3 further tests need to be applied.
 2. Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
 3. Would the interests of any third party or body who participated in or was informed of the original decision be disadvantaged in any way? (This is a particularly significant issue as there is no provision for consultation or neighbour notification within the non-material amendment procedure).
 4. Would the amendment be contrary to any planning policy of the Council?
- 3.5 The proposed amendment would decrease the width of the side extension from 3.85m to 2.685m (a reduction in width at the rear of 1.165m) when measuring the rear elevation and 2.4m to 1.88m (a reduction in width at the front of 0.52m) from the front elevation. The height of the extension would remain the same at 4.75m. The fenestration shown on the flank elevation was part of the original proposal and was not considered harmful. As these high level windows would now be further away from the neighbouring dwelling, No. 88, the overlooking impact would be less harmful than what has been accepted and approved. Additionally, due to the reduced width, the proposal would result in a less prevalent impact on the neighbouring dwelling as it would no longer be so close to the shared boundary. There would be no additional impact to the neighbouring property by the reduced width of the extension and it would not appear noticeably different as the form and design of the extension would remain the same.
- 3.6 It is considered that the revisions constitute a non-material amendment in so far as it is not considered to materially alter the design and appearance of the approved development on the site and does not raise any issues given that the changes would not have a significantly different impact on the design, character of the area and amenity of nearby residential occupiers that would otherwise warrant the submission of a fresh planning application. The NMA hereby recommended for approval would be read in conjunction with the

original planning consent. The proposal would not result in an increased impact on amenity of the neighbouring occupiers.

4 CONSULTATIONS AND REPRESENTATIONS

4.1 Not applicable.

5 EQUALITY AND DIVERSITY IMPLICATIONS

5.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

6 CONCLUSION

6.1 It is recommended that the Non-Material Amendment be permitted as it would not be considered to materially alter the design and appearance of the approved development on the site.



Marcus Hotten

Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

Policies CP1 and DM1 of the Core Strategy and Development Management Plan respectively

Background Papers

None.

For further information please contact Katie Fowler on:-

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