

Case Officer: Sarah Greenall

Recommendation: Approve

Applicant: Mr Robert Yates

Proposal: Non material amendment to 19/02112/F - the existing garage door will be removed and replaced by a solid brick wall

Expiry Date: 10 February 2020

1. APPLICATION SITE AND APPROVED DEVELOPMENT

1.1. The application relates to a two-storey semi-detached property within the new residential housing estate of Kingsmere that forms part of the South West Bicester development. The house is constructed from a rustic red brick under a slate tiled roof with white uPVC fenestrations. It has an attached garage to the south that is set further back from the front elevation of the property with a driveway. The surrounding area comprises of similar styles detached, semi-detached and terraced residential dwellings. The building is not listed, there are no listed buildings within close proximity, and the site is not situated within a designated conservation area.

1.2. The development approved under 19/02112/F was for the conversion of the garage space including the additional of double doors on the rear and north east side elevations of the garage opening into the rear garden space.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

2.1. The applicant wishes to seek a non-material amendment to 19/02112/F to remove the existing garage door and replace it with a solid brick wall.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

19/02112/F: Conversion of existing garage. *Application permitted.*

4. PUBLICITY AND CONSULTATION

4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

5. APPRAISAL

5.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.

5.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated 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”.

- 5.3. The Planning Practice Guidance states that: “There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is non material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application”. The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.
- 5.4. The proposed changes would not result in an increase in the footprint of the garage or the addition of any further openings and therefore there would be no additional impact on neighbour amenity or parking provision. The garage door on the front of the property would be removed which would be visible from the public domain on Wetherby Road which would have an impact on the streetscene of the area. While this is the case, the materials used to fill the wall in would match those seen on the existing building and therefore would retain the character of the original house. It is therefore not considered there would be any negative impacts on the surrounding area.
- 5.5. Taking into account the above the proposed changes are considered to be minimal with no further impacts on the character of the area, residential amenity or highway safety, and are therefore considered to be non-material.

6. CONCLUSION

- 6.1. The proposal is considered to be non-material and the application is therefore recommended for approval.

7. RECOMMENDATION

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment to 19/02112/F in accordance with the application form and Garage Conversion Floor Plan and Elevations Page 1 of 2 and Page 2 of 2.

The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 19/02112/F. These conditions must be adhered to so as to ensure that the development is lawful.

Case Officer: Sarah Greenall

DATE: 04.02.2020

Checked By: Paul Ihringer

DATE: 5/2/20
