

**Butwick House, Woodway Road, Sibford Ferris,  
Oxfordshire, OX15 5RF**

**20/02147/NMA**

**Case Officer:** John Gale

**Recommendation:** Approve

**Applicant:** Mr & Mrs Simon Marsden

**Proposal:** Garden room oak frame omitted and glazing / wall type amended  
(proposed as non-material amendment to 19/00748/F)

**Expiry Date:** 4 September 2020

**Extension of Time:** No

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## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

- 1.1. The application relates to a detached two storey property situated at the western edge of Sibford village. The property is constructed of natural stone with a tiled roof and white uPVC fenestration. There is a large driveway with space for 4 + cars, and a detached double garage. The site is accessed via a private drive and is not readily visible in the public realm.
- 1.2. The property is not a listed building and it is not located within the Sibford Ferris Conservation Area which is located to the north on Woodway Road. There are no listed buildings in the vicinity of the site.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

- 2.1. The applicant seeks an amendment to the approved scheme. In the south west elevation of the proposed attached garden-room the approved scheme was for a largely glazed elevation with an oak frame. The proposals is for this to be reduced in scope to a part-glazed and part stone elevation – though retaining a large area of glazing.
- 2.2. The other proposed change is to the south east elevation of the garden-room, which would change from a pair of French doors as proposed, to a single glazed set of folding glass doors – with much the same opening.
- 2.3. The external footprint of the proposed garden-room extension would remain unchanged by the proposed non-material amendments.

## **3. RELEVANT PLANNING HISTORY**

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

<b>Application: 19/00748/F</b>	Permitted	19 June 2019
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Demolition of conservatory, alterations and erection of new garden room and porch

- 3.2. The above application was approved in 2019 and is the application that the applicant is seeking to make changes to under this present NMA.

#### **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 National 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 proposals to the south west face would introduce some stone to this elevation not previously approved. However, it is only over a relatively small area – either side of the largely glazed elevation – and the glazing is still the dominant aspect of the design in the new submission.
- 5.5. The proposals to the south east elevation are just a change in the fenestration detail from two pairs of french doors to a single area of bi-folds proposed in the same size opening.
- 5.6. As a fall-back there are no restrictions on the insertion of openings and as such the proposals could be carried out in the materials as proposed after the works to complete the original design were to be made.
- 5.7. The changes are minimal and there is no conflict with the officer's report including the any justification for the design/materials of the previous approval.

#### **6. CONCLUSION**

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

Case Officer: John Gale

DATE: 2 October 2020

Checked By: Paul Ihringer

DATE: 2/10/20

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