

Case Officer: Lewis Knox

Recommendation: Approve

Applicant: Mr G L & Mrs P E Nicholson

Proposal: Addition of rooflight to front elevation, concrete drive changed to permeable concrete block paving (proposed as non-material amendments to 20/02155/F)

Expiry Date: 8 December 2020

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site consists of a two storey detached dwelling located in a residential area of Bodicote to the south of Banbury. The dwelling at the site is constructed from facing brickwork, with white uPVC windows and doors under an interlocking concrete tile roof. The site currently benefits from an incorporated single garage and a flat roof porch extension to the front of the dwelling.
- 1.2. The site is set back from the main highway along Wards Crescent behind a grass verge. The front of the site has a small grass area which is next to the concrete driveway which leads to the garage and front door. The site shares boundaries with neighbours to the north, south and west. Boundary treatments consist of high level fencing.
- 1.3. The application dwelling is not a listed building and is not located within a designated conservation area. There are no other planning constraints considered relevant to this application.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. Addition of rooflight to front elevation, concrete drive changed to permeable concrete block paving (proposed as non-material amendments to 20/02155/F)

3. RELEVANT PLANNING HISTORY

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

Application: 20/02155/F	Permitted	5 October 2020
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Front extension and garage conversion to bedroom/study

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. Neither the original permission for the estate, or the recent application for enlargement of the property included restrictions on the openings under permitted development.
- 5.5. The proposed rooflight would be in the front facing roof slope of the extension. The rooflight would be less than 150mm from the roof plane, which would mean that it could be inserted in the roof slope under permitted development once the approved scheme was completed.
- 5.6. The proposed block paved driveway would be permeable and as such would also constitute permitted development.
- 5.7. The proposals do not conflict with any other conditions in the decision notice for 20/02155/F and given the permitted development fall-back it is considered that the proposals are non-material.

6. CONCLUSION

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

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DATE: 8 December 2020

Checked By: Paul Ihringer

DATE: 8/12/20
