

Case Officer: Wayne Campbell

Recommendation: Refuse

Applicant: Mr Andrew Evans

Proposal: The garage to be located as the previously granted planning permission 17/00923/F and to be rendered instead of timber clad. The proposed extension layout to be altered to utilise the existing built extensions. The Outbuilding to be removed from the application. Windows in the existing house to be retained. Existing site access to be retained. (Proposed as non-material amendments to 19/01338/F)

Expiry Date: 15 April 2021

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application related to a detached dwelling that is mostly two storey with a single storey side element leading to an attached single garage located within the village of Sibford Ferris. The property is constructed from Bradstone with light brown uPVC windows and a white uPVC conservatory to the rear. There is a large garden area that extends to the rear, sides and front of the property with a large driveway also located to the front accessed off Woodway Road. The property is located at the end of a row of houses located down Woodway Road and is the only property not constructed from Horton Stone. The north, south and west of the site is bound by open green space.
- 1.2. The building is not listed and there are no listed buildings within close proximity to the site, and while not located within a designated conservation area the site does abut the Sibford Ferris Conservation Area located to the north. There is a public footpath and bridleway to the north of the site, however this would not be impacted by the proposed form of development. There are no further site constraints directly relevant to this application.
- 1.3. Planning permission was granted in 11/09/19 for the demolition of an existing extension and garage, the construction of a new extension, garage and outbuilding and the renovation of Faraday House.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. This application seeks confirmation that the following changes are covered as non-material amendments to planning permission 19/01338/F.
 - The garage to be located as the previously granted planning permission 17/00923/F and to be rendered instead of timber clad.
 - The proposed extension layout to be altered to utilise the existing built extensions.
 - The Outbuilding to be removed from the application

- Windows in the existing house to be retained
- Existing site access to be retained

3. RELEVANT PLANNING HISTORY

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

19/01338/F: The demolition of an existing extension and garage, the construction of a new extension, garage and outbuilding and the renovation of Faraday House
Decision: Permitted

18/00125/DISC: Discharge of Condition 3 (materials and finishes) of 17/00923/F
Decision: Permitted

17/00923/F: Demolition of existing linked garage and separate workshop and the erection of new linked garage and workshop; two storey extension to main house and internal alterations with external alterations to reform the entrance drive.
Decision: 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 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. This application seeks a number of alterations some of which are considered as non-material whereas others go beyond what would be considered non-material. In terms of the elements that would not be material, these include the removal of the outbuilding from the application; the retention of the windows in the existing house and the retention of the existing access point and the internal layout to be altered to utilise the existing built extensions.

5.5. The area not considered a non-material amendment is the provision of the double detached garage which is materially different to the approved scheme. The desire appears to be to pick and choose parts of the two permissions to create a new permission. This application seeks amendments to the 19/01338/F permission which maintained a garage on the east side of the dwelling whereas the suggested amended seeks a new detached double garage on the west side of the dwelling. The permission 17/00923/F did show an attached double garage in this location but it is not possible under s96A to combine two approved schemes to create a fresh proposal, and it is noted that the earlier consent lapsed in June 2020. This application seeks changes to the later permission which did not show any garage in this location. This significant alteration is therefore not considered to be a non-material amendment to the approved scheme.

6. CONCLUSION

6.1. The proposal is considered to be a material change to the approved scheme because provision of the double detached garage which is materially different to the approved scheme under application 19/01338/F. The application is therefore recommended for refusal.

Case Officer: Wayne Campbell

DATE: 30 March 2021

Checked By: Nathanael Stock

DATE: 31.03.2021
