

Case Officer: Wayne Campbell

Recommendation:

Applicant: Mr Henry Squire

Proposal: 1. A replacement basement, which is to be built in the same location as the existing basement; 2. A bat enclosure, which is to be provided on the western side of the proposed new home (proposed as non-material amendments to 21/02366/F)

Expiry Date: 31 December 2021

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application is located on the edge of the Steeple Aston village. Located within the Conservation Area the existing dwelling although not a listed building it is known as a non-designated heritage asset.
- 1.2. Planning permission was sought and obtained for the demolition of the existing building and the reconstruction of a new dwelling on essentially the same footprint. The proposal also includes areas of extension to the footprint as well as extension in height to elements of the new dwelling.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. Permission is sought for the following two changes to the proposed development which is covered by the full planning permission:
 1. A replacement basement, which is to be built in the same location as the existing basement.
 2. A bat enclosure, which is to be provided on the western side of the proposed new home.

3. RELEVANT PLANNING HISTORY

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

11/00115/CAC: Demolition in part of existing main house and outbuildings. - Application Withdrawn

11/00114/F: Demolition in part of existing main house and outbuildings and the erection of a new residential dwelling. - Application Withdrawn

21/02366/F: Demolition of the existing dwellinghouse and the erection of a replacement dwellinghouse. - 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.

Proposed replacement basement

- 5.4. In this regard the applicant states that the changes to the existing basement are described in the Planning Addendum Summary which is submitted with the NMA. The new walls of the replacement basement would involve the north, west and east walls being rebuilt in the same position and the south basement wall being replaced 1 metre further out. This would increase the total floorspace by 3 sq m. The new basement would also be dug 500mm deeper than the existing basement which would allow the window sill locations to meet the Approved Documents Part K. In addition, the existing staircase which accesses the basement will be replaced in the same position as the existing one. An enclosure would be constructed around the rebuilt external stair to improve the existing drainage condition and to provide an opportunity for bats to inhabit.
- 5.5. The proposed would result in a minor increase in floor area but given this would be at basement level it would not result in any impact upon the appearance of the new dwelling. There are no new issues raised by this element of the proposal.

Bat enclosure

- 5.6. This would be in the form of the enclosure over the re-built external stair and this would be a new feature on the western elevation of the dwelling. The new internal space would be fitted with a series of rough timber battens to provide crevice-dwelling opportunities for bats. As a result of the work proposed as part of this NMA a slightly larger area would be created for Natterer's bats to inhabit. In addition the side extension would also include re-location of the ASHP enclosure which is moved to reduce the development's footprint and add lateral stability to the retaining walls. This would be a new feature on the western wall of the new dwelling but, given the design and limited scale of the enclosure, this proposed change is not considered to materially affect the appearance of then dwelling over that of the approved scheme or raise any new issues requiring further assessment.

6. CONCLUSION

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

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DATE: 21 December 2021

Checked By: Nathanael Stock

DATE: 21.12.2021
