

**Case Officer:** Shona King

**Recommendation:** Approve

**Applicant:** Rectory Homes Ltd

**Proposal:** Show a 300mm difference in ridge heights between plots 8 and 9 due to the difference in finished floor levels (proposed as non-material amendment to 22/01788/F)

**Expiry Date:** 2 August 2023

**Extension of Time:** No

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

1.1. The application site sits outside but adjacent to the Steeple Aston Conservation Area. A Public Right of Way runs from South Side east of the site and crosses open countryside south of the site.

## **2. DESCRIPTION OF PROPOSED AMENDMENT**

- 2.1. Consent is sought for an amendment to the planning permission as set out above.
- 2.2. The development has been built-out and is occupied. The application is retrospective.

## **3. RELEVANT PLANNING HISTORY**

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

19/02948/F - Erection of 10no two storey residential dwellings with access off South Side including a new pedestrian footway, parking and garaging, landscaping and all enabling and ancillary works - APPROVED

21/02318/F - Variation of condition 2 (plans) of 19/02948/F - for plots 1, 2, 3, 4, 5, 6, 7 and 10 - APPROVED

22/01788/F - Variation of condition 2 (plans) of 21/02318/F - proposed amendments to plot 10

## **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 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 amendment to the approved scheme that has taken place is a step-change in the ridge height between plots 8 and 9. As originally approved the two dwellings were to have the same ridge height however due to the approved drainage scheme there is a land level difference between the dwellings. The ridge of Plot 9 is approximately 300mm higher than the ridge of Plot 8. The front and rear elevations of the dwellings remain flush to each other.
- 5.5. The change to the pair of semi-detached dwellings does not raise any new issues or have any bearing on the impacts of the development. Overall, whilst the proposed amendments would change the visual appearance when compared to the previously approved application, the change is considered to be minor and does not significantly affect the character of the development. The amendment does not necessitate further consultation with any third party consulted at the time of the planning application.

## **6. CONCLUSION**

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

In accordance with drawing No: P.224.SD.2B.754 D – Plots 8 & 9 Plans and Elevations

Case Officer: Shona King

DATE: 18 July 2023

Checked By: Nathanael Stock

DATE: 25.07.2023

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