

**13 Blackwood Place, Bodicote, Banbury, OX15
4BD**

23/03116/NMA

Case Officer: Michael Sackey

Recommendation: Approval

Applicant: Mr Lee Jones

Proposal: The omission of two chimney stacks and insertion of a metal flue. Rooflights at the rear of the property in a different position. A window instead of a patio door at the rear of the property (proposed as non-material amendment to 21/00026/F)

Expiry Date: 5 December 2023

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application relates to land associated with 13 Blackwood Place, a large two-storey detached dwelling located on a residential street in the south-east of Bodicote, to the south of Banbury, and further an area of highway verge. The existing dwelling (recently extended and altered) at the site is externally faced in a mixture of facing red brick and painted render elevations with grey powder coated aluminium windows and doors under a plain tile roof. The existing site benefits from a large area of hardstanding to the front with access taken off Blackwood Place.
- 1.2. The property also benefits from a big plot with a substantial large rear garden, with patio and grass areas, and recently constructed flat-roofed outbuilding. The site shares boundaries with neighbours to the north and south. The rear boundary backs onto the Oxford Road (A4260). Boundary treatments are a mixture of vegetation and timber fencing.
- 1.3. The site is not, nor does it contain, a listed building and is not located within a designated conservation area. There are no other significant site constraints relevant to planning and this application.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The application seeks consent for changes to planning permission ref. 21/00026/F, specifically to make the following changes:
 - The omission of two chimney stacks and insertion of a metal flue
 - The reposition of the proposed rooflights within the rear elevation.
 - Replacement of a patio door within the rear elevation

3. RELEVANT PLANNING HISTORY

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

Application: 19/01813/F Permitted 19 November 2019

Demolish garage. Replacement roof (eaves and ridge to be as existing).
Erection of single storey and two storey extensions to front, side and rear.
Enlargement of parking/turning area.

Application: 20/02152/F Application 29 September 2020
Withdrawn

Erection of dwelling house, garage and associated vehicular access off Oxford Road A4260.

Application: 21/00026/F Permitted 26 July 2021

Erection of dwelling house, garage and associated vehicular access off Oxford Road A4260 - re-submission of 20/02152/F

Application: 22/03642/DISC Permitted 17 February 2023

Discharge of Conditions 4 (Construction Traffic Management Plan), 5 (means of access), 6 (turning areas/parking), 7 (Arboricultural Method Statement), 8 (landscaping scheme), 9 (acoustic insulation scheme) and 11 remediation strategy) of 21/00026/F

Application: 23/01243/DISC Permitted 14 July 2023

Discharge of Condition 3 (schedule of materials and finishes for the external walls and roofs) of 21/00026/F

Application: 23/03389/F

Variation of condition 2 (plans) of 21/00026/F and condition 8 (Landscaping Scheme) of 22/03642/DISC - To improve amenity of development.

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 proposed changes would have a visual impact, the most visible changes being the replacement of the chimney stacks with the insertion of the metal flue and the repositioning of the roof lights. The omission of the chimneys would result in some diminution in quality of the development approved under application reference (21/00026/F).
- 5.5. Overall, however, the proposed changes would result in a similar character of development to the previously approved and would not significantly affect the character of the development – particularly given the site’s location outside of a Conservation Area and with the tree screening from the highway, or raise any new issues in relation to the visual and residential amenity.
- 5.6. Overall, none of the proposed changes would raise any new issues, nor would they necessitate further consultation with any third party consulted at the time of the planning application.

6. **CONCLUSION**

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

In accordance with drawing No “03 REV A”

Case Officer: Michael Sackey

DATE: 4 December 2023

Checked By: Nathanael Stock

DATE: 05.12.2023
