DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0222/20/NMA
Proposal: Application for a non-material amendment to approved planning application ST/0861/19/HFUL for a single storey extension to the rear and side. Amendment now sought to replace the previously approved flat roof with a pitched tiled roof to the rear and side extension and to increase the size of the proposed rear extension along with internal alterations.
Location: 58 Lisle Road
South Shields
NE34 6DH

Site Visit Made: n/a

Description of the site and of the proposals

This application seeks approval for a non-material amendment of a previously approved scheme to construct a single storey extension to the rear and rear side to No 58 Lisle Road in South Shields, which was permitted by way of planning application ref: ST/00861/19/HFUL on 23/12/2019

This application seeks to amend the approved scheme by:

- Increasing the width of the rear side extension, by 1m to the north, from 2.5m wide as originally permitted to 3.5m wide.
- Constructing a pitched roof over the rear side extension, as opposed to the permitted flat roof. The pitched roof would have an eaves height of 2.7m and a ridge height of 4m, whereas the permitted flat roof would be 3.2m high.
- The double patio doors to the rear of the rear side extension would be enlarged, from 1.15m wide to 1.3m wide.
- The rear door to main rear elevation of rear extension is no longer proposed.

Publicity / Consultations

None

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Section 96A of the Town and Country Planning Act 1990 states 'that the local planning authority may make a change to any planning permission if they are satisfied that the change is not material. 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 permission as originally granted.'

The legislation and government guidance does not define what changes may be treated as being non material. The Council's 'protocol for non-material amendments following a grant of planning permission' (December 2010) seeks to explain the non-material amendment process and set out the procedures

involved in considering such changes across Tyne and Wear. This protocol provides guidance criteria to assess such applications. The main issues relevant to the assessment of this proposal are:

- Whether the proposed change is significant in terms of its scale in relation to the original approval;
- Whether the proposed change would result in a detrimental impact either visually or in terms of amenity; and
- Whether the interests of any third party or body who participated in or were informed of the original decision would be disadvantaged in any way.

The Tyne and Wear Non Material Amendments Protocol notes that if the answer to any of the above questions is “yes”, then the proposed change cannot be accepted as ‘non material’.

The proposed changes result in a larger development compared to the originally approved scheme. The proposed pitched roof would represent a significant change in scale in relation to the original approval. The roof’s form would be significantly altered and the overall height would be raised by 0.8m maximum.

The increase in height of the side/rear extension’s roof would have the potential to materially impact upon the neighbouring properties’ amenity, in particular the potential impact upon No. 60 and 56 Lisle Road. No. 60 has windows which face the boundary with the application site. Given the increased scale of the side/rear extension due to its proposed pitched roof, this could potentially lead to an increased impact in terms of the level of outlook afforded by No. 60’s windows facing the boundary, in addition to any overdominant impact and any additional overshadowing upon No. 60. The increase of width of the side/rear extension would have the potential to further impact upon the residential amenity of No. 56, in terms of loss of outlook, increased overshadowing and increased overdominance.

Whilst no representations were received in relation to the original application, the residents were notified of a proposed flat roof to the side/rear extension. The new proposal proposes a pitched roof which, as noted above, would have an increased scale and impact upon neighbouring properties, particularly No. 60 to the south. Therefore, the interests of neighbouring properties would be disadvantaged by this change to the originally approved scheme.

It is considered that the changes to the doors, if considered alone, would constitute a non-material change, for they would not materially change the scale of the development, would not impact upon residential or visual amenity, and the changes would not disadvantage the interests of any third party. However the scheme must be considered as a whole and for the reasons set out above the non-material amendment should be refused.

Summary

The proposed changes sought within the description of the non-material amendment sought are considered to be a material changes for they would be significant in terms of scale and would disadvantage the interests of neighbouring properties, and so this application for a non-material amendment should be refused.

Recommendation Reason

The proposed enlargement of the rear/side extension and changes to its roof would comprise works requiring planning permission; would have the potential to materially affect the residential amenities of neighbours; and would have the potential to disadvantage the interests of third parties who were informed of the original application.

It would therefore not meet with the criteria within the Council's 'protocol for non-material amendments following the grant of planning permission' (December 2010) whereby a change should be considered as

non-material. The proposed change would therefore be material and so this application for a non-material amendment should be refused.

Recommendation

Refuse Non-Material Change

Refusal Reasons

1 The proposed enlargement of the rear/side extension and changes to its roof would comprise works requiring planning permission; would have the potential to materially affect the residential amenities of neighbours; and would have the potential to disadvantage the interests of third parties who were informed of the original application.

It would therefore not meet with the criteria within the Council's 'protocol for non-material amendments following the grant of planning permission' (December 2010) whereby a change should be considered as non-material. The proposed change would therefore be material and so this application for a non-material amendment should be refused.

List of refused plans for standard note

Plan Reference

Drg No Sheet 1 Rev A01 received 20/03/2020

Drg No Sheet 2 Rev A01 received 20/03/2020

Drg No Sheet 3 Rev A01 received 20/03/2020

Drg No Sheet 4 Rev A received 20/03/2020

Case officer: Seán Gallagher
Signed:
Date: 22/04/2020

Authorised Signatory:
Date:

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