DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0316/22/NMA
Proposal: Application for Non-Material Amendment in relation to approved Planning Application ST/0403/21/HFUL to change materials of patio from timber to brick with tiled floor. No change to size or position.
Location: 12 Holly Avenue
South Shields
NE34 7NR

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 for the conversion of the conservatory to habitable rooms including removal of polycarbonate pitched roof and replace with new ERP flat roof with lanterns and new timber decking to rear, which was permitted by way of planning application ref: ST/0403/21/HFUL on the 16th June 2021.

This application seeks to amend the approved scheme by amending the facing material for the proposed raised patio/ decked area from timber to brick.

Publicity / Consultations

None

Assessment

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 nonmaterial. 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 involve amendments to the facing material to the proposed decking extension. The extension is not visible from the wider street scene given its location to the rear of the host dwelling.

The dimensions of the patio/ decked area would remain unchanged. It is not considered that the changes would be significant in terms of scale in relation to the original approval. The changes would not result in any detrimental impact in terms of visual or residential amenity. No interests of any third party would be disadvantaged.

It is therefore considered that the proposed changes sought are considered to be non-material and so this application is recommended for approval.

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

Recommendation

Approve Non-Material Change

List of approved plans for standard note

Plan Reference

Proposed Rear and Side Elevation A showing proposed amendments received 21/04/2022

Case officer: Adam Williamson
Signed: 13/05/2022
Date:

Authorised Signatory:
Date: