DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0995/22/NMA
Proposal: Application for Non-Material Amendment in relation to approved application ref:ST/0611/22/HFUL for a ground floor side extension. Amendment now being sought to render the extension.
Location: 9 West Drive
Cleadon
SR6 7SJ

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 front/side extension at 9 West Drive in Cleadon, which was permitted by way of planning application ref: ST/0611/22/HFUL permitted on the 15/09/2022.

Condition 3 of this permission stated:

The external facing brick to be used in the construction of the extension hereby permitted shall be of similar appearance to that used in the construction of the exterior of the existing dwelling of which the extension will form part. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

This application seeks to amend the approved scheme by changing the proposed external material of the extension from brickwork to render.

Publicity / Consultations

None

Assessment

Section 96A of the Town and Country Planning Act 1990 states 'that a 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 planning permission … as originally granted.' It also states that powers to make non-material changes also include (amongst other things) a power to '… alter existing conditions'.

In this instance there are no previously consented non-material amendments to have regard to.

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 involve amendments to the facing material of the proposed extension from brick work to render. The extension would be visible from the side street scene given its location at the side of the dwelling. The dimensions of the extension would remain unchanged. The property already has a two-storey extension which is rendered. As such, it is considered that the single storey extension would be viewed in this context, and furthermore where elements of render are also incorporated on other dwellings near the application site. 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 interest 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 plans for standard note

Plan Reference

Drg No 1b/NMA Rec 06/12/2022

Case officer: Samantha Gallagher
Signed: S Gallagher
Date: 19/12/2022

Authorised Signatory:
Date:

«END»