

## **DELEGATED REPORT / CASE OFFICER'S ASSESSMENT**

**Ref No:** ST/0161/23/NMA  
**Proposal:** Application for Non-Material Amendment in relation to approved Planning Application ST/0617/20/HFUL that granted a first floor extension and dormer loft conversion. Amendment now sought to omit plinth design at base of the proposed dormer extension (to continue vertically above the existing brickwork up to roof level (flat roof) of the dormer. To add one window into the newly constructed bathroom.

**Location:** 15 Central Avenue  
Whitburn  
SR6 7LB

**Site Visit Made:** N/A

### **Relevant policies**

N/A

### **Description of the site and of the proposals**

This application seeks permission from the Council for a non-material amendment to a previously approved planning application reference ST/0617/20/HFUL, which sought planning permission for a A first floor extension and loft conversion at 15 Central Avenue, Whitburn.

Proposed amendments now sought compromise:

- Alterations to the approved dormer to remove plinth design (for the dormer to continue vertically above the existing brickworks up to roof level of the dormer.
- Addition of a window on the first floor

### **Consultations (Expiry date N/A)**

- 1) Neighbour responses – N/A
- 2) Other Consultee responses – N/A

### **Assessment**

The Council's protocol for non-material amendments following a grant of planning permission (December 2010) seeks to explain the non-material amendments process and sets out the procedures involved in considering such changes across Tyne and Wear.

Paragraph 2.3 of the protocol states that the key test as to the acceptability of an application for a non-material change is whether the change is material to any development plan policy. It states that if the answer is 'no; then three tests will be applied 1) the scale of the proposed amendment in relation to the original approval; 2) whether the proposed amendment would result in a detrimental impact either visually or in terms of amenity; and 3) whether the interests of any third party or body who participated in or were informed of the original decision would be disadvantaged in anyway.

Paragraph 2.4 of the protocol states that in considering these tests, the following factors may be relevant amongst others:

- To what extent does the proposed change relate to a condition on the original planning permission?

- Was the matter subject to any objections on the original permission?
- What would be the impact on the amenities of adjoining occupiers?

Paragraph 2.5 of the protocol provides cases whereby a proposed change would be unlikely to be accepted as 'non-material'. Such cases include:

- Where it would adversely affect the occupiers of a neighbouring property; and
- Works which are development requiring planning permission.

In this case, it is considered that the proposed alterations to the dormer and the additional window would be material to Development Plan Policy -adopted South Tyneside Local Development Framework (LDF) Development Management Policy (DM1) Criteria A (design and visual impact) and Criteria B (impact on residential amenity in relation to privacy). The proposed rear dormer extension would create a larger dormer and would impact materially on the design of the development previously approved under planning permission ref: ST/0617/20/HFUL in relation to visual amenity. The proposed additional window would impact on overlooking to the rear and was not included within the description of the original application and therefore neighbours consulted on the original application would be disadvantaged. Also, the new window can only be facilitated via the construction of the dormer extension and as such would require planning permission in its own right. Additionally, the drawings submitted with the application does not accurately show the changes proposed in that they still show the plinth design for the dormer construction.

Notwithstasnding

### Summary

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

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

### **Recommendation**

#### Refuse Non-Material Change

- 1 The proposed amendments would materially alter the development approved under planning permission ST/0617/20/HFUL in terms of the design of the development and its impact on the amenities of neighbouring occupiers. As such these changes are not considered to constitute a non-material amendment and a further application for full planning permission would be required in respect of such changes, although in this regard it should be noted that such a further application would not be supported given the similarities between the proposed amended scheme and the proposals refused planning permission on the 21 April 2022 under planning application reference ST/0062/22/HFUL.

### **List of plans for standard note**

#### **Plan Reference**

Proposed Elevations Drg No 003/20 received 28/03/2023

Proposed Floor Plans Drg No 004/20 received 28/03/2023

**Case officer: Samantha Gallagher**  
**Signed: S Gallagher**  
**Date: 20/04/2023**

**Authorised Signatory: G.Horsman**  
**Date: 24/04/2023**

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