DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0738/23/NMA
Proposal: Application for Non-Material Amendment in relation to approved Planning Application ST/0259/23/HFUL. Amendment now sought to conservatory roof raised and windows changed.
Location: 30 Cleadon Lea
Cleadon
South Tyneside
SR6 7TQ

Description of the site and of the proposals

This application seeks approval for a non-material amendment of a previously approved scheme for the demolition of the existing rear extension and conservatory and construction of a single storey kitchen/living room extension, which was permitted by way of planning application ref : ST/0259/23/HFUL on 25/07/2022.

Planning permission ST/0259/23/HFUL granted consent for the following:

> *"Single storey rear extension with dual pitch tiled roof to bungalow, removal of existing side obscure glazed window to ensuite new side obscure glazed window altered ensuite. Extension to conservatory with flat roof and lantern light."*

This application seeks to amend the approved scheme by amending the conservatory roof and the window design.

The application has been received from the applicant, following contact by the local planning authority to address concerns that the development was not being undertaken in full accordance with the previously approved plans (marginal height change and window design alterations) and advice was provided to regularise the situation. This non-material amendment application was subsequently received.

Publicity / Consultations

N/A

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 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 consist of;

- Raising the height of the conservatory roof
- Amendments to the window design

It is not considered that the changes would be significant in terms of scale in relation to the original approval. In terms of design, the proposed raising of the conservatory roof would not result in significant harm due to its relatively modest height increase of 0.2m and its location to the rear of the property and separation from neighbouring properties.

Furthermore, it is not considered that the changes would result in any detrimental impact in terms of visual or residential amenity. The proposed alterations would not result in any loss of amenity to neighbouring occupiers through loss of light, over shadowing, outlook, over dominance or loss of privacy to neighbouring properties.

No objections were received to the original planning application. It is considered that no interests of any third party would be disadvantaged through the minor changes, as described above.

It is therefore considered that, in this particular instance, 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

Plan Reference

Existing and Proposed Plans Drg No. A-3642-01B 171023

Case officer: Drewe Russell
Signed: Drewe Russell
Date: 06/11/2023

Authorised Signatory: Helen Lynch
Date: 14/11/2023

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