



Delegated Report

Non-Material Amendment Application

Planning Application No: 20250086

Location: Flat 1 Dolphin Court 95 Windmill Street Gravesend

Description: Application for a non-material amendment to planning permission reference number 20211011 to allow amendments to the second floor layout by replacing 3no. double glazed rooflights to the rear slope with 2no. Velux centre-pivot roof window (conservation rooflight) to the rear (West facing) and 1no. Velux centre-pivot roof window (conservation rooflight). Amendments to the Roof Plan to reflect the revised location for the rooflights and to propose replacement of existing rooftiles with Spanish blue grey slate tiles.

Applicant: Kenichi Hamada

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Revised Planning Application Form received 10.03.25;
Covering Letter received 31.01.25;
Drawing No. (20)1102AP Rev A – Second Floor Plan Proposed received 31.01.25;
Drawing No. (20)1103AP Rev B – Roof Plan Proposed received 10.03.25;
Drawing No. (20)3001AE Rev B – Front Elevation (East) Side Elevation (North) Proposed received 10.03.25;
Drawing No. (20)3002AP Rev A – Proposed Rear Elevation (West) Proposed Side Elevation (South) received 10.03.25; and
Drawing No. GGL-EDN-0114-1104 – Velux centre-pivot roof window received 03.10.25.

~~Planning Application Form;
Drawing No. (20)1103AP Rev A – Roof Plan Proposed;
Drawing No. (20)3001AE Rev A – Front Elevation (East) Side Elevation (North) Proposed; and
Drawing No. (20)3002AP Rev A – Proposed Rear Elevation (West) Proposed Side Elevation (South) all received 31.01.25.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20211011	Replacement of existing white painted timber frame, single glazed, sash windows with like for like white painted timber frame double glazed sash windows, to the front and side elevations. Removal of existing white UPVC casement mock sash windows, and reinstatement of sash windows with white painted, timber frame, double glazed sash windows, to the rear elevation, removal of 2 existing UPVC casement windows, replacement with one white painted timber frame double glazed casement window,	Permission	04.10.2021

	replacement of existing double glazed rear slope roof light with a slightly larger low profile anthracite frame double glazed roof light and installation of two low profile anthracite frame double glazed roof lights to the rear slope.		
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Development Plan

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan, however the following policies were relevant against the planning permission 20211011.

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development affecting Conservation Areas

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Residential Layout Guidelines (2020)
- Windmill Hill Conservation Area Character Appraisal (2007)
- Conservation Areas Maintenance/Replacement Windows and Doors Guidance (2020)

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Officer's Analysis

Procedural Matters

The original submission was for standard double glazed rooflights to the side and rear, together with a replacement of the rooftiles with terracotta rooftiles. Due to the property being located within the Windmill

Hill Conservation Area, these materials and amendments were not acceptable. Revised application form and plans to incorporate conservation rooflights, together with Spanish blue grey slate rooftiles were submitted to address the objections. The Conservation Architect was consulted on these revised details, and they were accepted. As such, the proposal description was amended to reflect these changes together with the above list of amended plans and documents.

What is a Non-Material Amendment

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme - what may be non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary.

The Borough Council does not have any published guidance on what it considers can or cannot be considered as a non-material amendment generally following the guidance in the NPPG and the Planning Portal as well as taking into advice generally used accords the Kent authorities and that from the Planning Officer's Society. The former guidance suggest that we would not normally accept amendments as non-material if:

- The application site area (red line) differs from the original application
- The application description differs from the original application
- The proposal would result in changes to the external details (e.g. facing materials or roof shape) that would materially alter the appearance of the building
- The amendment significantly increases the size of any part of the development
- The development moves more than 1 metre in any direction
- The height of the building or structure is increased
- If the amendment locates any part of the development closer to a neighbour unless the development as amended is in excess of 5 metres from the common boundary with the neighbour
- The amendment results in a fundamental change in the design of the building
- If the amendment changes windows or doors in any elevation facing a neighbour which increases overlooking in any way
- The amendment would result in a greater visual intrusion, loss of light or feeling of enclosure to neighbours
- There were any relevant objections to the original proposal which would be compromised by the proposed minor amendment

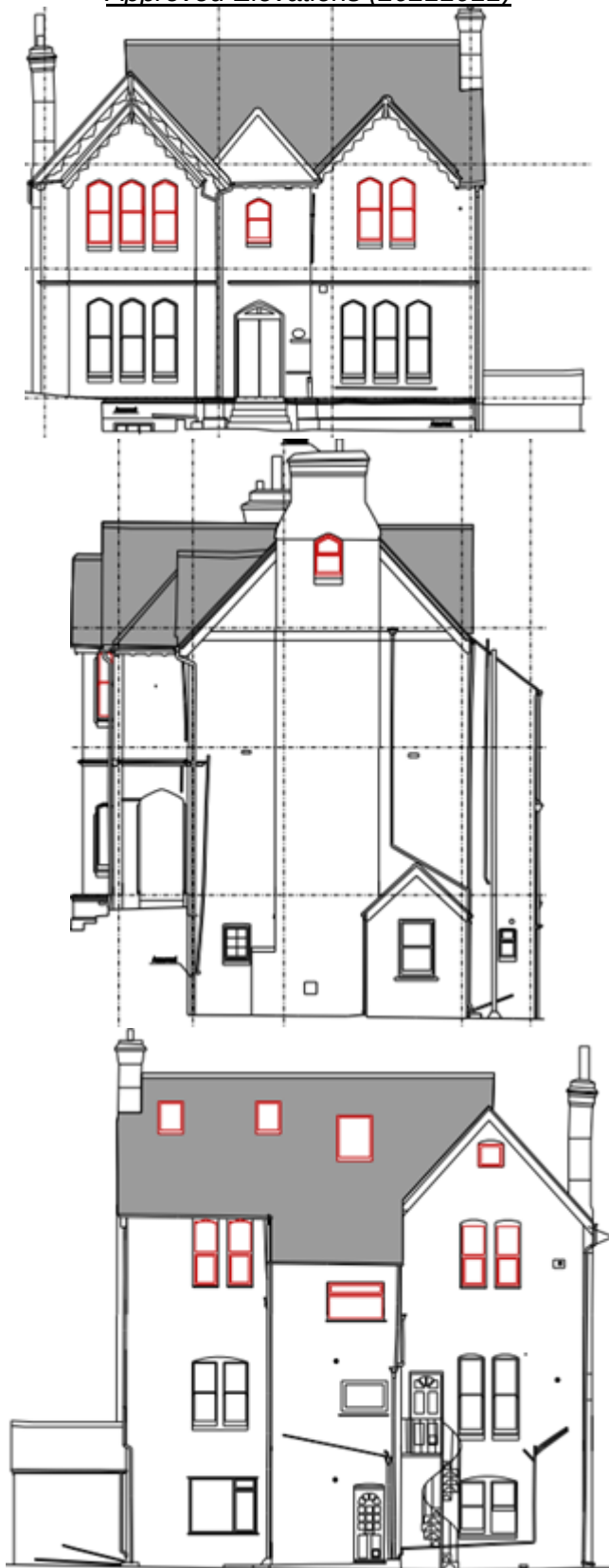
Are the Proposed Changes Non-Material

The changes proposed to 20211011 are as follows:

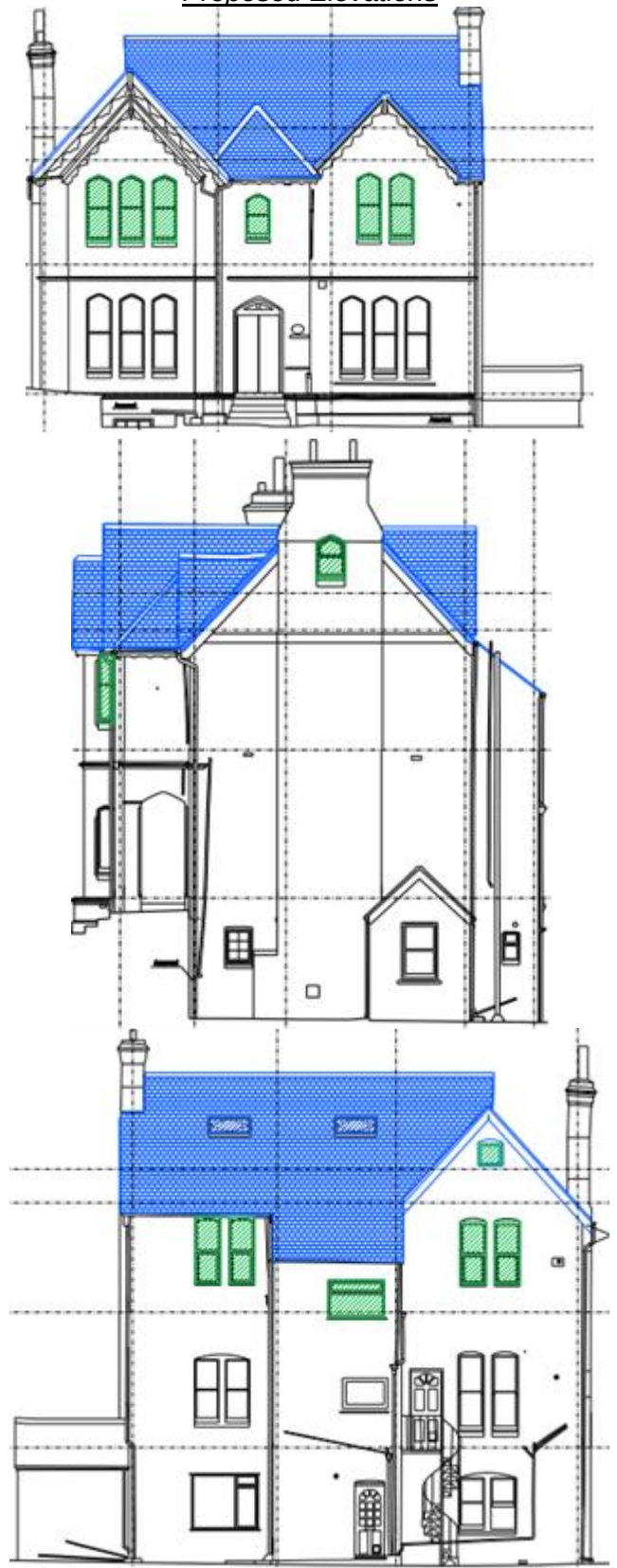
- amendments to the second floor layout by replacing 3no. double glazed rooflights to the rear slope with 2no. double glazed rooflights;
- 1no. Velux centre-pivot roof window;
- Amendments to roofplan to reflect change in rooflights;
- Replacement of existing rooftiles to Spanish blue grey slate.

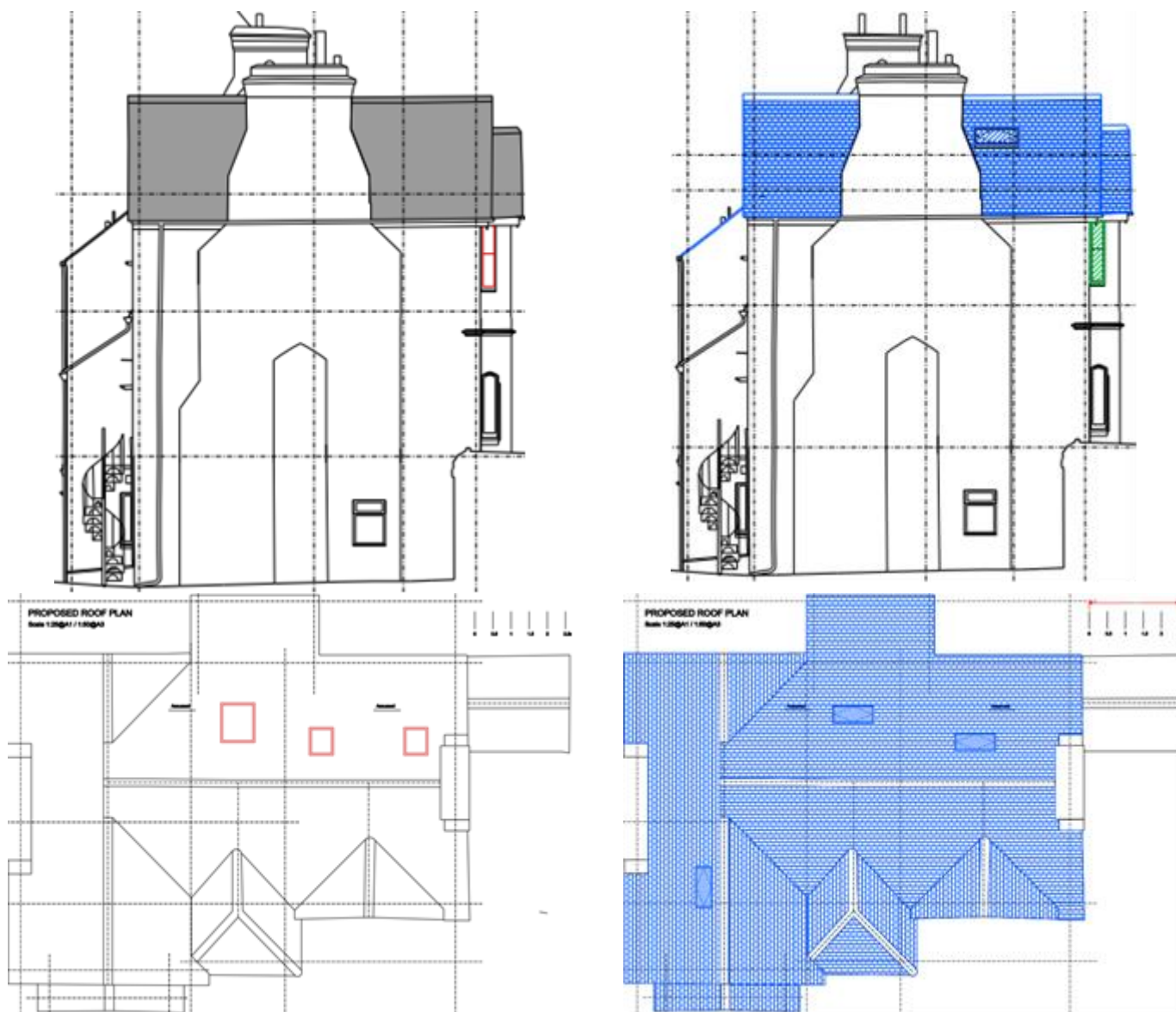
The plan extracts below compare the approved elevations and roof plan (20211011) and the proposed elevations and roof plan:

Approved Elevations (20211011)



Proposed Elevations





The proposal to allow amendments to the second floor layout by replacing 3no. double glazed rooflights to the rear slope with 2no. Velux centre-pivot roof window (conservation rooflight) to the rear (West facing) and 1no. Velux centre-pivot roof window (conservation rooflight) that would be recessed into natural slate up to 8mm thick, to the side (South facing) are minor alterations to the original approval that only affect the side and rear elevations. The proposal is also to allow amendments to the Roof Plan to reflect the revised location for the rooflights and to propose replacement of existing rooftiles with Spanish bluey grey slate tiles.

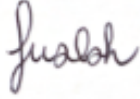
The proposed amendments are considered to be minor alterations in the context of the proposal and due to the recessed conservation rooflight design and the materials proposed for the replacement rooftiles, would not have an impact on the overall development or the Windmill Hill Conservation Area, or affect any of the neighbouring properties.

Therefore, it is considered that the above changes are non-material in terms of the size of the development and the application can be supported.

Recommendation

Approval of Non-material amendment

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Mrs Faye Walsh
Signed:	<i>A Cue</i>	Signed:	
Dated:	12 th March 2025	Dated:	14 March 2025