



Delegated Report

Non-Material Amendment Application

Application No:	20220952
Location:	The Orchards, 23 Watling Street, Gravesend, Kent, DA11 7NU
Description:	Application for non-material amendment to planning permission reference number 20210480 to allow the extension of the width of the front bay into the main projection increasing the open well to the stairs
Applicant:	Mrs G Kaur
Site Visit:	Desktop

The application for a non-material amendment was submitted with reference to '20210932' which is a different address. Given that this was an obvious error the description was changed to reference the refused application that was allowed at appeal. The revised description is as follows:

"Application for non-material amendment to planning permission reference number 20210480 to allow the extension of the width of the front bay into the main projection increasing the open well to the stairs"

Submitted Documents/Plans

Application Form - dated 30/08/2022;
Drawing no. 1121.WD.013F - Proposed Floor Plans;
Drawing no. 1121.WD.017C - Proposed Front and Rear Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220055	Application for Lawful Development Certificate for proposed outbuilding to be used as home gym with shower and garden store.	CERTIFICATE GRANTED	02.03.2022
20211244	Demolition of existing garage, front porch and single storey extension, and erection of new front bay, porch and part two storey, part single storey rear and side extension. Conversion of loft to habitable room with rear dormer and skylight windows to front roof slope.	PERMITTED	02.12.2021
20210480	Demolition of existing garage, front porch and single storey extension, and erection of new front bay, porch and part two storey, part single storey rear and side extension.	REFUSED	11.06.2021

AP 2021/00041 /REF	Appeal	ALLOWED	30.11.2021
20200776	Erection of single storey rear extension, two storey side extension to replace existing detached garage.	PERMITTED	15.10.2020

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.

Officer's Analysis

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.

The requirement to determine the application in accordance with the Development Plan (i.e.:S38 (6) of the Planning and Compulsory Purchase Act 2004) does not apply. This is explained by the NPPG under the section 'Flexible options for planning permissions'.

Para (2) of S96A, the legislation allowing for NMAs, states that;

'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'.

In the context of this application the original proposal was essentially for extensions to the dwellinghouse. Originally this was refused but was overturned at appeal. Relevant to this case the front flat roof two storey bay would have been 3 metres wide inset from the side elevation and ending at the point the ground floor porch would begin.

This application for non-material amendment would result in a widening of the two-storey flat roof bay to 5 metres, extending into the area above the porch. The height, eave height and depth would be unchanged. The same full-length window would be used albeit, more forward on this elevation than previously approved. Given that this is a two-storey element, which would be prominent to the front of the dwellinghouse it would usually require consideration of the material planning impacts of such change. However, on balance given that the proposed bay already extends forward of the main elevation, and the widening would be away from shared boundaries with a small scale increase, this would in this context be a minor alteration to the approved scheme which would be unlikely to result in material harm.

It is considered that the above changes are therefore nonmaterial and the application for a Non Material Amendment can be supported.

Recommendation

Approval of non-material amendment

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Lisa Williams	Team Leader:	Miss Faye Hobbs
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Signed:		Signed:	
Dated:	15 th September 2022	Dated:	15 September 2022

Gravesham Borough Council