



Delegated Report

Non-Material Amendment Application

Planning Application No:	20231005
Location:	9 Templar Drive Gravesend Kent DA11 7NS
Description:	Application for a non-material amendment to planning permission reference number 20220971 to allow changes to materials used in the facade.
Applicant:	Mr Joseph Turner
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form

Drawing no. BL/DRG/230914/ 04 (Approved Proposed Layouts and Elevations) (Dated 02.09.2022)

Drawing no. BL/DRG/230914/ 04 (Proposed Layouts and Elevations) (Dated 14.09.2023)

Relevant Planning History

Reference	Description	Decision	Decision Date
20220971	Construction of part single/part double front and rear extensions, conversion of integral garage to habitable accommodation and raised patio at rear.	Permitted	21.10.2022
20220252	Construction of part single/part double front and rear extensions, conversion of integral garage to habitable accommodation and raised patio at rear.	Refused	03.05.2022
19750257	Extension at front to garage and erection of porch	Permitted	23.06.1975

Development Plan

As an application under S.96A of the Town and Country Planning Act 1990 the consideration relates to whether the proposal is a non-material amendment to the planning permission. The application is not assessed under the development plan.

Consultations, Publicity and Representations

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, and consultations/publicity are therefore at the discretion of the local planning authority.

Officer's Analysis

There is no statutory definition of 'non-material'. This is because it is dependent on the context of the

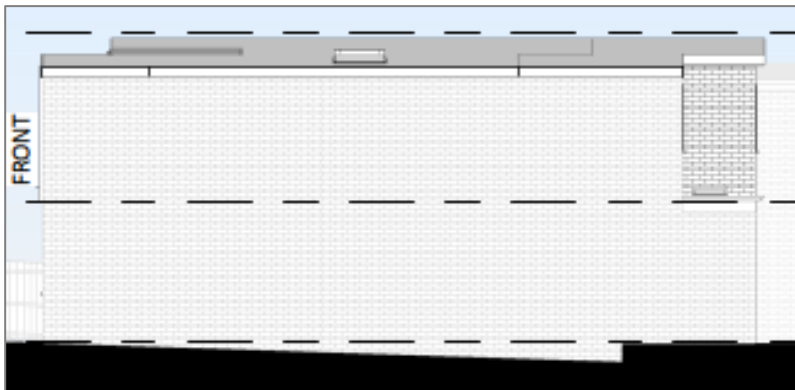
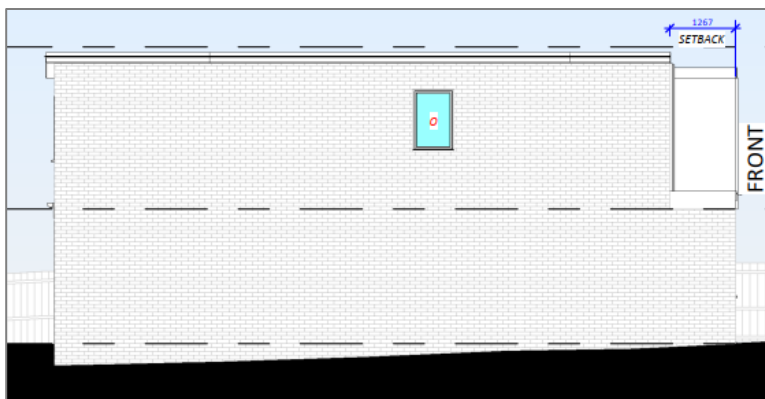
overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under S.96A.

The proposal seeks to amend the elevations of the dwelling following design development.

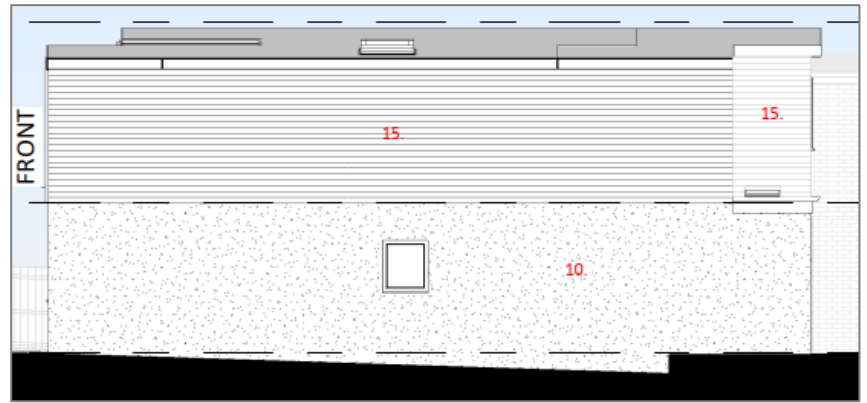
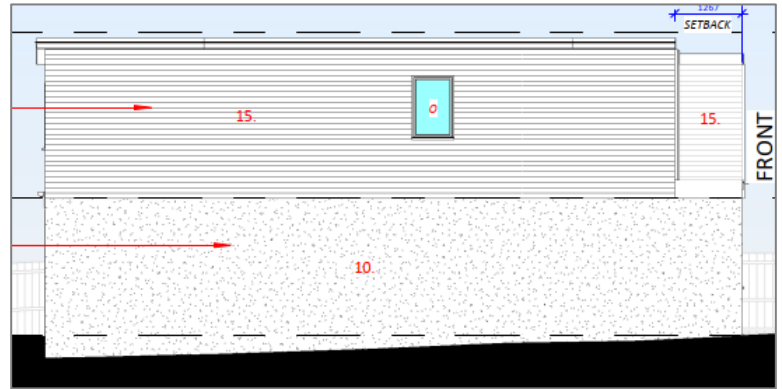
The elevational amendments include:

1. An additional ground floor window on the northern elevation serving the WC.
2. A change in materials to the side and rear elevations from brick to white render at ground floor level and cladding at first floor level.
3. A change in window design at the front with additional glazing bars to windows.

Approved Elevations



Proposed Elevations



The main changes to the proposal include elevational treatments and window changes. Such changes would be able to be carried out under permitted development, and they are not considered to result in a material change to the overall proposal, despite the move away from the use of brick and the simpler window design found in the existing and neighbouring properties.

However, condition 3 on the planning permission states as follows:

The materials used the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and be in accordance with the details in the application form and drawing no. BL/DRG/211130/ 04 (Proposed Layouts and Elevations).

This condition is affected by the proposed changes, as the change in materials will not wholly match those used in the existing building, despite the fact that the plan number remains the same (albeit with a different date). Therefore, condition 3 would require a variation which would mean that the planning permission would require altering, and this cannot be done under a S96A application.

On this basis, this proposal for a non-material amendment (S96A) application cannot be granted, and instead a material amendment (S73) application should be submitted.

Conclusion and Recommendation

Whilst the proposed elevational changes are considered to be non-material amendments, due to the requirement for condition 3 on the original planning permission to be re-worded to take account of the proposed changes, a separate planning permission would be required, and this non-material amendment application cannot therefore be granted.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
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Signed:	<i>K. Parkin</i>	Signed:	
Dated:	11th October 2023	Dated:	13 October 2023