



# Delegated Report

## Non-Material Amendment Application

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| <b>Application No:</b> | 20240108                                                                                                                                                                                                                                                                             |
| <b>Location:</b>       | Blue Ash, 86 Rhododendron Avenue, Meopham, Gravesend, Kent, DA13 0TT                                                                                                                                                                                                                 |
| <b>Description:</b>    | Application for non-material amendment to planning permission reference number 20230898 for the removal of the Dutch Barn Roof, retaining the existing roof, introduction of 2 pitched roof dormers to the front, and a flat roof dormer to the rear and removal of the front porch. |
| <b>Applicant:</b>      | Mr Julian Roberts                                                                                                                                                                                                                                                                    |

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### Submitted Documents/Plans

- Application Form – dated 05 February 2024;
- Ordnance Survey Site Location Plan (scale 1:1250);
- Drawing no. 1622.WD.01 – Existing Floor Plans, Block Plan and Site Location Plan;
- Un-numbered Plan Drawing (Floor plans submission 4 amended) – Floor Plans Approved ref. 20230898 – dated 30 September 2023;
- Un-numbered Plan Drawing (CDHip-elevations-amendments) – Elevations Approved ref. 20230898 – dated 25 January 2023;
- Un-numbered Plan Drawing (Non-material change floor plans amended) – Proposed Floor Plans (Amended) – dated 01 February 2024;
- Un-numbered Plan Drawing (Non-material change - elevations) – Proposed Elevations (Amended) – dated 01 February 2024;
- Un-numbered Plan Drawing (Non-material change Fig 1) – Comparison and Overlayed Elevation Drawings.

### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                                               | Decision  | Decision Date |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20230898  | Change the existing roof a Dutch Barn style to allow for habitable space, introduction of dormer style windows to the rear, roof line windows to the front, single storey rear extension, front porch and changing the materials of the existing lean-to. | PERMITTED | 20.10.2023    |

### 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**

### **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

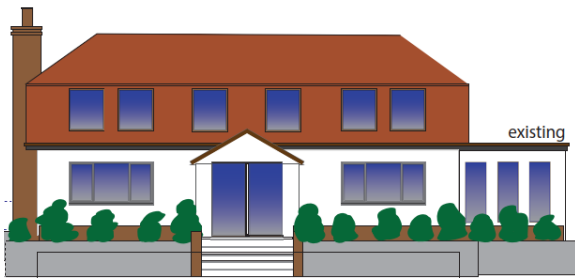
### **Are the Proposed Changes Non-Material**

The proposal is to change the approved extensions (ref. 20230898). To summarise the changes proposed are as follows:

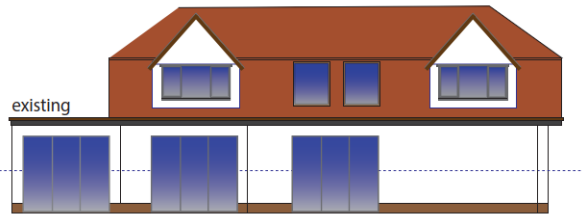
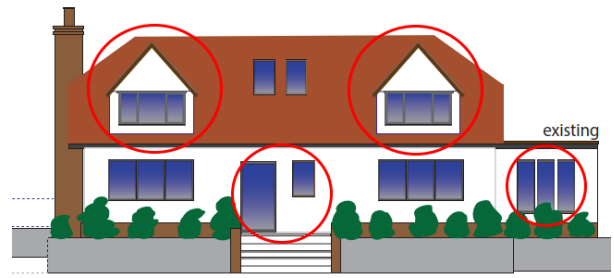
- Removal of Dutch barn roof;
- Introduction of pitched roof dormers to the front elevation (x2)
- Introduction of a flat roof dormer on the rear elevation
- Removal of porch
- Alterations to the window arrangements
- Alteration to the roof of the side extension (lowered)

The comparison screenshots below demonstrate the proposed changes:

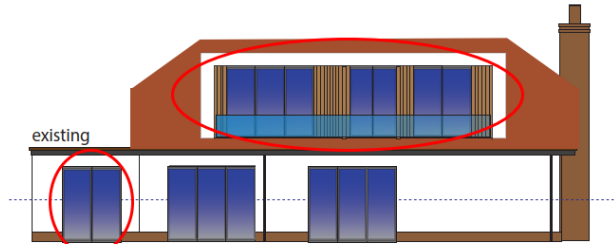
Approved



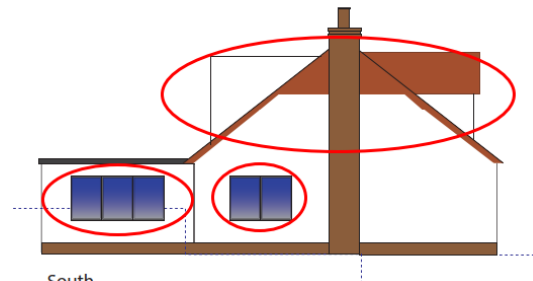
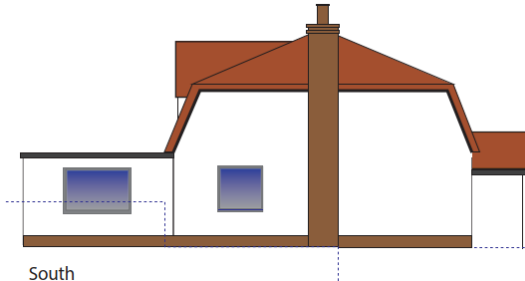
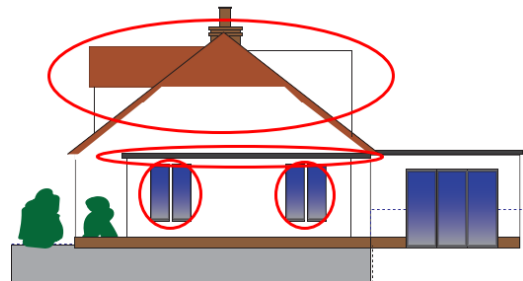
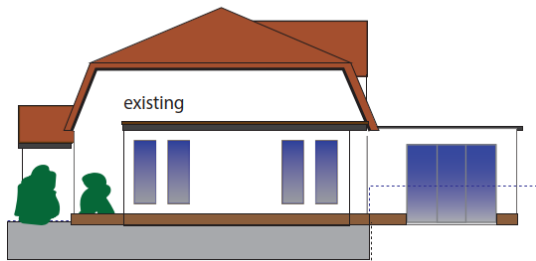
Proposed



Rear : West



Rear : West



The cumulative changes to the approved scheme cannot be considered non-material as they represent a material and fundamental change to the design and character of the approved dwelling, and also would differ from the description of the approved scheme.

Therefore, the procedural approach taken to achieve these alterations is incorrect and either a minor material amendment or revised planning application should be sought for these changes.

### **Conclusion**

The Local Planning Authority is of the opinion that the proposed alterations, including the removal of the Dutch barn roof, introduction of dormer windows, removal of porch and other alterations to extensions and windows, represent a material change to the approved scheme which fundamentally change the approved description, plans, design and character of the dwelling.

### **Recommendation**

Refusal

|                      |                                                                                   |                     |                                                                                     |
|----------------------|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mr Ethan Bonthron                                                                 | <b>Team Leader:</b> | Miss Faye Hobbs                                                                     |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 5 <sup>th</sup> March 2024                                                        | <b>Dated:</b>       | 07 March 2024                                                                       |