

Delegated Report

Non-material amendment

Application No:	20240318
Location:	3-11 Harmer Street Gravesend Kent DA12 2AP
Description:	Application for a non-material amendment to planning permission reference number 20230693 to allow the study rooms in flats No. 4 and 8 to become bedrooms, resulting in a development totalling 16 x two bedroom flats, and 3 x one bedroom flats.
Applicant:	Mr Farouk Karim

Proposal

Application for a non-material amendment to planning permission reference 20230693 for Application for variation of conditions 2 of planning permission reference 20140715 for the conversion and extension of the rear building fronting West Crescent Road involving the construction of a third floor level, new mansard roof and alterations to the elevations to accommodate 16 two bedroom self-contained flats and 3 one bedroom self contained flats; to allow the internal configuration to be amended. This non-material amendment is to further alter the internal configuration to allow the study rooms in Flats 4 and 8 to become bedrooms.

The application consists of the following

Application Form Dated 16 April 2024;

Drawing no. 001 Revision A (Proposed Lower and Ground Floor Plan)

Drawing no. 002 Revision A (Proposed First and Second Floor Plan)

Drawing no. 003 Revision B (Proposed Third Floor Plan)

Superseded

~~Drawing no. 003 Revision A (Proposed Third Floor Plan)~~

Relevant Planning History

20230693 Application for variation of conditions 2 of planning permission reference 20140715 for the conversion and extension of the rear building fronting West Crescent Road involving the construction of a third floor level, new mansard roof and alterations to the elevations to accommodate 16 two bedroom self-contained flats and 3 one bedroom self contained flats; to allow the internal configuration to be amended.

Permitted 31 August 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.

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 proposed changes for to this application are to re-name the rooms listed as studies in the approved plans, to become bedrooms. The application upon first submission included alterations to Flat 4 (Lower Ground Floor) and Flat 8 (Ground Floor) as well as Flats 17, 18 and 19 on the Third Floor. The study rooms in Flats 4 and 8 are generously sized and meet the minimum requirements for bedroom sizes. Also the overall gross internal floor areas of these flats are large enough to accommodate two bedrooms. However the same could not be said for Flats 17 to 19. These three flats are located within the roof space and as such it was important to ascertain they had sufficient head height. As referenced in the Nationally Described Space Standards, the minimum floor to ceiling height is 2.3m for at least 75% of the gross internal area. The study rooms in Flats 17 and 18 were calculated (after measuring on site) as having a usable floor area of less than 50%, and the study room in Flat 19 as 63%. Based on these figures, the rooms had insufficient floor area to be utilised as bedrooms. This information was relayed to the Agent who amended the plans and confirmed that the study rooms in Flats 17, 18 and 19 will now remain as studies, and not to be utilised as bedrooms.

For future reference, with some internal recognition of these three flats, a larger second bedroom could be accommodated. However this would involve fundamental changes such as moving walls, and further amendments in terms of Planning and also Building Control.

To conclude, it is considered that the proposed changes (relating to Flats 4 and 8 only) are non-material in terms of the size of the development and the application can therefore be supported. Units 17, 18 and 19 must remain as one bedroom units.

Recommendation:

Permit non-material amendment.

See draft Decision

Case Officer:	Miss Faye Hobbs	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	3rd May 2024	Dated:	3 rd May 2024