

Development Management Delegated Decision Report

B/21/0076/NMA



SUMMARY OF APPLICATION

Application Reference	B/21/0076/NMA
Application Type	Non-material Amendments
Proposal	Application for a non-material amendment following approval B/21/0076 to make amendments to the approved plans to increase the footprint of approved extension to rear of property
Location	11, Fydell Crescent, Boston PE21 8SS
Applicant:	Shilton Property Development Ltd
Agent:	Scorer Hawkins Architects Ltd
Target Decision Date:	9 July 2021
Statutory Expiry Date:	23-Jul-2021
Extension of Time:	
Recommendation	APPROVE
Report by:	Grant Fixter
Date:	12/07/2021

Proposed amendments relate to:

The proposal seeks a non-material amendment to:

- Extend the footprint of the approved extension to the rear of the property by approximately 1.4m;
- Remove one ground floor window on the northern elevation.

Officer Appraisal / Comments:

The Government recognises that issues may arise following the grant of a planning permission which may require modification to the proposals. Where such a change is not felt to be significant, this may be through the submission of a Non-Material Amendment application under Section 96A of the Town and Country Planning Act 1990.

There is no statutory definition of what is "non-material". It is noted that the Planning Practice Guidance offers only limited advice in respect of such requests, this is in light of the suggested flexibility identified above. There is no right of Appeal in relation to requests made under S96A, there are no requirements for consultation and third parties can only challenge the decision by judicial review.

The simple question being asked by the applicants under S96A is, are the proposals non-material when considering the nature and effect of the changes proposed when considered



against the nature and effect of the original condition requirements?

In order to determine whether or not the change is material, due regard must be given to the nature of the changes proposed and effect, along with consideration of these changes within the overall context of the application.

The proposed changes relate to a minor extension of the northern footprint of the approved extension by approximately 1.4m and the removal of one ground floor window on the northern elevation. When considering the recently approved extension and external works of the host dwelling that this application relates too, the changes are considered minor in relation to the wider scheme and will not materially change the proposal.

It is worth noting that this scheme is on the absolute limit of acceptability in terms of being deemed a non-material amendment. Consideration has been given to whether there would be any impacts on the neighbouring properties amenity levels. The proposed alteration is single storey and there are no overlooking issues with no significant loss of light and privacy. It would also not be overbearing on the neighboring dwelling. For those reasons and the fact the changes are on the limit of acceptability under a non-material amendment, the proposal is deemed acceptable in this instance.

Given the nature and extent of the proposed changes, they are deemed non-material.

NOTES FOR DECISION NOTICE:

CONDITIONS / LIST OF AMENDED PLANS

- 2289/PP01 Rev A Proposed Floor Plans;
- 2289/PP02 Rev A Proposed Elevations;
- 2289/OS02 Rev A Proposed Block Plan and Site Plan.

LIST OF PLANS TO BE SUPERCEDED

- B/3496-3001 Proposed Plans, Elevations & Sections;
- B/3496-3002 Rev C Proposed Block Plan, Existing Garage & Proposed Wall.