

Application reference: 21/1389/NMA
EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
08.12.2021	08.12.2021	05.01.2022	05.01.2022

Site:

2 Martindale, East Sheen, London, SW14 7AL

Proposal:

Non material amendment to planning permission 21/1389/HOT to allow amendments to fenestration and glazing on rear extension; removal of green roofs and amendments to materials of outbuilding. In detail: 1) Alteration from circle window to rectangular window on front elevation, 2) Replacement of side doors with glazed doors, 3) Amendments to glazing on rear extension with removal of glazing panel, 4) Change of outbuilding from brick to painted render and brick, 5) Amendments to glazing in outbuilding, 6) Window in dormer added, 7) First floor window enlarged on rear elevation, 8) Removal of green roofs and replacement with slate chips over the glass reinforced fibre to retain a natural aspect.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr O Jones
2, Martindale
East Sheen
London
SW14 7AL

AGENT NAME

Mrs Fiona Jones
3
ELIZABETH GARDENS
ASCOT
SL5 9BJ
United Kingdom

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

-

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: REF

Date:30/07/1992

Application:92/0946/FUL

Roof Extension Involving Side & Rear Dormer.

Development Management

Status: REF

Date:16/12/1992

Application:92/1883/FUL

Roof Extension Involving Rear Dormer.

Development Management

Status: GTD Date:05/08/1985	Application:85/0848 The erection of a single storey rear extension.
<u>Development Management</u> Status: GTD Date:11/06/2021	Application:21/1389/HOT Demolition of existing single storey ground floor extension and replacement with a new single storey extension, the erection of a new dormer roof extension and the replacement of the garage building with an outbuilding.
<u>Development Management</u> Status: PCO Date:	Application:21/T1045/TCA Cypress (T2) - Remove Garrya Elliptica (T3) - Remove Cypress (T5) - Remove (Dead) Cypress (T6) - Remove
<u>Development Management</u> Status: PCO Date:	Application:21/1389/NMA Non material amendment to planning permission 21/1389/HOT to allow amendments to fenestration and glazing on rear extension; removal of green roofs and amendments to materials of outbuilding. In detail: 1) Alteration from circle window to rectangular window on front elevation, 2) Replacement of side doors with glazed doors, 3) Amendments to glazing on rear extension with removal of glazing panel, 4) Change of outbuilding from brick to painted render and brick, 5) Amendments to glazing in outbuilding, 6) Window in dormer added, 7) First floor window enlarged on rear elevation, 8) Removal of green roofs and replacement with slate chips over the glass reinforced fibre to retain a natural aspect.
<u>Development Management</u> Status: PCO Date:	Application:21/4233/HOT New front boundary wall topped with fence with new sliding gate and brick pillars to replace existing fence
<u>Building Control</u> Deposit Date: 12.08.2013 Reference: 13/1628/BN	Formation of structural opening between front and rear reception rooms
<u>Building Control</u> Deposit Date: 18.11.2013 Reference: 13/2350/BN	New replacement windows
<u>Building Control</u> Deposit Date: 07.05.2014 Reference: 14/FEN01772/GASAFE	Install a gas-fired boiler
<u>Building Control</u> Deposit Date: 08.06.2014 Reference: 14/ELE00204/ELECSA	Circuit alteration or addition in a special location Install one or more new circuits

Application Number	21/1389/NMA
Address	2 Martindale East Sheen London SW14 7AL
Proposal	Non material amendment to planning permission 21/1389/HOT to allow amendments to fenestration and glazing on rear extension; removal of green roofs and amendments to materials of outbuilding. In detail: 1) Alteration from circle window to rectangular window on front elevation, 2) Replacement of side doors with glazed doors, 3) Amendments to glazing on rear extension with removal of glazing panel, 4) Change of outbuilding from brick to painted render and brick, 5) Amendments to glazing in outbuilding, 6) Window in dormer added, 7) First floor window enlarged on rear elevation, 8) Removal of green roofs and replacement with slate chips over the glass reinforced fibre to retain a natural aspect.
Contact Officer	Ella Milton
Target Determination Date	05.01.2021

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site comprises a two storey end of terrace dwelling located on the corner between Martindale and Christchurch Road. The site is located within the Christchurch Road Conservation Area, however does not constitute a Building of Townscape Merit. It is located within the Main Centre Buffer Zone of Richmond and falls within both a Critical Drainage Area and an area less susceptible to surface water flooding.

3. DESCRIPTION OF THE PROPOSED AMENDMENTS AND ANY RELEVANT PLANNING HISTORY

The application seeks to make the following amendments to planning permission 21/1389/HOT:

1. Alteration from circle window to rectangular window on front elevation
2. Replacement of side doors with glazed doors
3. Amendments to glazing on rear extension with removal of glazing panel
4. Change of outbuilding from brick to painted render and brick
5. Amendments to glazing in outbuilding
6. Window in dormer added
7. First floor window enlarged on rear elevation
8. Removal of green roofs and replacement with slate chips over the glass reinforced fibre to retain a natural aspect

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

- **21/1389/HOT:** Demolition of existing single storey ground floor extension and replacement with a new single storey extension, the erection of a new dormer roof extension and the replacement of the garage building with an outbuilding. **Granted**
- **21/4233/HOT:** New front boundary wall topped with fence with new sliding gate and brick pillars to replace existing fence. **Pending Consideration**

4. CONSULTATIONS CARRIED OUT

An application to make a non-material change under s.96A is not an application for planning

permission, so the existing Town and Country Planning (Development Management Procedure) Order 2015 provisions relating to statutory consultation and publicity do not apply. Local planning authorities have discretion in determining whether and how they choose to inform other interested parties or seek their views.

5. TOWN AND COUNTRY PLANNING ACT 1990

The application seeks approval under s.96A(4) of the Act for non-material changes to planning permission. Section 96A(1) states: "A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material."

Section 96A(2) states: "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."

S96A was introduced by the Parliament to allow for a degree of flexibility to be introduced into the planning system. Whilst there is no statutory guidance as to what constitutes a non-material amendment, materiality is a matter of judgement and that materiality is to be judged by reference to the overall context including the nature and scale of the permission being altered. Judgement on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original permission however the cumulative effects of any previous amendments would also need to be assessed.

Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

- Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?
- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
- Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?
- Would the amendments be contrary to any planning policy of the Council?

If none of these tests are positive then it is considered that the change could be dealt with as a non-material amendment.

6. EXPLANATION OF OFFICER RECOMMENDATION

Window in dormer added

The proposal seeks to install an additional window on the proposed dormer. The proposed change would not alter the scale of the dormer; and would not be noticeably visually different. This is accounting for the established pattern of development, whereby dormers with multiple windows are common along the immediate terrace. Further, noting the existing level of overlooking to the rear, and that the dwelling does not directly face any properties along Spencer Gardens, the amendment is not considered to disadvantage any third parties or bodies. Therefore, this amendment can be considered non-material.

Alteration from circle window to rectangular window on front elevation

The proposal seeks to alter the shape of a circular window on the front elevation so that it is square. Officers note that alterations to fenestration was not included within the original description of development for 21/1389/HOT. As such, this amendment would require changes to the original description of development which cannot be undertaken within the non-material amendment route.

Further, the proposed loss of this traditional architectural feature would have the potential to impact on the character and appearance of the building and surrounding area, potentially contradicting policy LP1. Additionally, as the proposed amendment is entirely new, it has not been advertised or consulted on, and neighbours have not been notified of the change, thus third parties have not had the opportunity to comment. The proposed therefore is considered a material alteration.

Replacement of side doors with glazed doors

Much like above, this proposed development is not a non-material amendment as the side doors did not form part of the original planning permission (decision reference: 21/1389/HOT) to which this non-material amendment application relates to.

First floor window enlarged on rear elevation

Much like above, this proposed element is not a non-material amendment as alterations to the first-floor window did not form part of the original planning permission (decision reference: 21/1389/HOT), nor did the description of development include alterations to fenestration. The proposed amendment is therefore not considered to be a non material amendment to the original scheme.

Amendments to glazing on rear extension with removal of glazing panel;

Amendments to glazing in outbuilding;

Change of outbuilding from brick to painted render and brick

The proposal seeks to replace the existing glazing with full height crittall style glazing. This would wrap around the side and rear elevations of the ground floor extension, and parts of the front and side elevations of the outbuilding.

These amendments do not result in any increase in the footprint or the height of the proposed approved scheme. In isolation, the amendment would not materially alter the design of the previously approved scheme, noting that the form of the panes maintain the contemporary style of the original scheme. Further, the amendments would not materially impact on the street scene, or cause any neighbouring impacts, due to their siting a ground floor level.

The proposed amendments to the material finish of the outbuilding can also be considered non-material, noting that these would be on the elevation facing the host property, and would have limited visibility to any interested parties or neighbouring properties.

Removal of green roofs and replacement with slate chips over the glass reinforced fibre to retain a natural aspect

The revised roof style on both the outbuilding and rear extension would alter the overall heights of the developments by around 0.3m. Noting this increase in massing, such alterations hold the potential to disadvantage neighbouring occupants, and thus would require consultation. Further, it is considered the alterations would alter the appearance of the developments when viewed from surrounding vantage points, resulting in a development that would be discernibly different to that approved. As such, this element of the scheme is not considered to be a non-material amendment.

7. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the process and it is considered the current application fails to satisfy Section 96A of the Town and Country Planning Act (1990) as amended.

Refuse for the following reasons

The proposed alteration/s is/are not considered to be a non-material amendment under the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended) as the design and appearance and impact on the residential amenity of nearby occupants would be

materially different to that of the approved scheme. As such, additional consent is required from the Local Planning Authority.

Several proposed elements of the revised scheme are not non-material amendments. The front window, side doors, and first floor window did not form part of the original planning permission (decision reference: 21/1389/HOT) to which this non-material amendment application relates to. Further, the proposed alterations to the roof formation of the outbuilding would materially alter the scale of the development. The increase in height and appearance would be visible from surrounding properties, and might also prejudice the amenities of neighbouring occupants. Therefore, it is considered that the revised scheme would warrant consultation with both neighbouring occupiers through a formal and fresh planning application.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): ...EMI..... Dated: ...21/12/2021.....

I agree the recommendation:



~~Team Leader/Head of Development Management/Principal Senior Planner~~

Dated: ...21/12/2021.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated: