

## Application reference: 23/2885/NMA WEST TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
22.07.2024	22.07.2024	19.08.2024	19.08.2024

**Site:**

68 Lincoln Avenue, Twickenham, TW2 6NQ,

**Proposal:**

Non material amendment to planning approval 23/2885/FUL to allow for Addition of a small obscured glazed window at ground floor South West Elevation

**APPLICANT NAME**

Mr Tung Kee Wong  
68 Lincoln Avenue  
Twickenham  
Richmond Upon Thames  
TW2 6NQ

**AGENT NAME**

Mr Simon Merrony  
34 Thames Street  
Sunbury on Thames  
TW16 6AF  
United Kingdom

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

Development Management

Status: GTD Application:88/0942  
Date:20/05/1988 Erection of first floor flank extension.

Development Management

Status: GTD Application:71/0542  
Date:11/05/1971 Erection of single storey extension on the side of the house to provide kitchen and bathroom.

Development Management

Status: GTD Application:22/3466/PS192  
Date:16/01/2023 Construction of a roof extension.

Development Management

Status: AEGPD Application:22/3473/PDE  
Date:16/12/2022 single storey rear extension (4.80m depth, 3.00m eaves height, 3.87m overall height)

Development Management

Status: REF Application:23/0352/HOT  
Date:05/04/2023 Two storey side extension and single storey rear extension.

Development Management

Status: GTD Application:23/2885/FUL  
Date:26/04/2024 Demolition of existing two storey side extension and replacement with a new two storey terraced house with rear parking, 2No. EVCPs

Development Management

Status: PCO Application:23/2885/NMA  
Date: Non material amendment to planning approval 23/2885/FUL to allow for Addition of a small obscured glazed window at ground floor South West Elevation

Development Management

Status: PCO Application:23/2885/DD01  
Date: Details pursuant to conditions U0179709 Ecological Enhancements (Plan required), U0179713 Construction Method Statement, U0179716 Materials to match exist'-be app'd

Appeal

Validation Date: 04.08.2023 Two storey side extension and single storey rear extension.  
Reference: 23/0054/AP/REF **Appeal Allowed**

Building Control

Deposit Date: 27.03.2007      4 Windows 3 Doors

Reference: 07/07767/FENSA

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Building Control

Deposit Date: 02.11.2009      3 Windows

Reference: 09/FEN02337/FENSA

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Building Control

Deposit Date: 28.06.2018      Install a replacement consumer unit

Reference: 18/ELE00164/ELECSA

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Building Control

Deposit Date: 17.01.2018      Install a gas-fired boiler

Reference: 18/FEN02834/GASAFE

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Building Control

Deposit Date: 17.01.2018      Install a gas-fired boiler

Reference: 18/FEN02864/GASAFE

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<b>Application Number</b>	<b>23/2885/NMA</b>
<b>Address</b>	68 Lincoln Avenue Twickenham TW2 6NQ
<b>Proposal</b>	Non material amendment to planning approval 23/2885/FUL to allow for Addition of a small obscured glazed window at ground floor South West Elevation.
<b>Contact Officer</b>	GNI
<b>Target Determination Date</b>	19.08.24

## 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 site comprises a two storey, end of terrace dwelling, located within a road comprising mainly of terrace and semi-detached dwellings of varying design and appearance. There is an existing two storey extension to the side of the dwelling which would be demolished. This extension has a large crown roof, which is lower in height than the main dwelling.

The application site is situated within Twickenham Village and is designated as:

Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
Community Infrastructure Levy Band (Low)
Increased Potential Elevated Groundwater (GLA Drain London)
Take Away Management Zone (Take Away Management Zone)
Village (Twickenham Village)
Village Character Area (Lincoln Avenue and surrounds - Area 2 Twickenham Village Planning Guidance Page 20 CHARAREA13/02/01)
Ward (West Twickenham Ward)

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

The application seeks consent for a non-material amendment to planning approval 23/2885/FUL to allow for Addition of a small obscured glazed window at ground floor South West Elevation.

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

### Development Management

Status: GTD

Date: 26/04/2024

Application: 23/2885/FUL

Demolition of existing two storey side extension and replacement with a new two storey terraced house with rear parking, 2No. EVCPs

## 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:

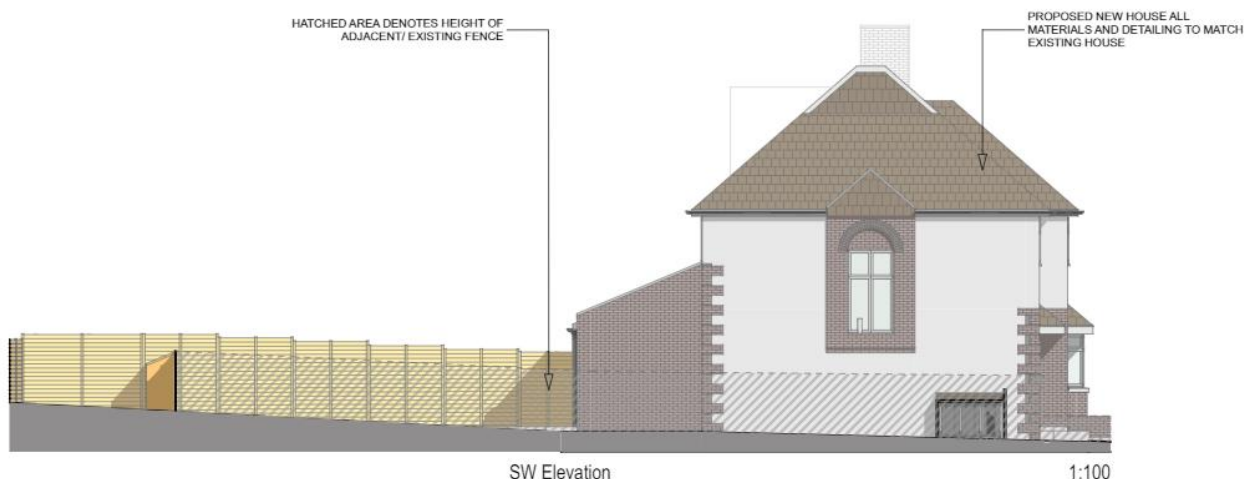
- Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?
- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the 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

The application seeks a non-material amendment to the proposed plans to allow for the addition of a small obscured glazed window at ground floor south-west elevation:

The approved south-west elevation is as follows:



The proposed change to the south-west elevation is as follows:



The overall scale of the development remains unchanged. The proposed new window is small, obscure glazed, fronts the street and will be partially located behind the proposed fence obscured from view.

The scheme remains consistent with the relevant planning policies and would not impact neighbour amenity. The scheme is therefore not considered to be materially different from that approved.

## 7. RECOMMENDATION

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

**Grant**

**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): .....GNI..... Dated: .....30.07.24.....

**I agree the recommendation:**

Team Leader/Head of Development Management/Principal Planner - EL

Dated: 13/08/2024.....