

Application reference: 21/4304/NMA1
MORTLAKE AND BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
27.11.2024	27.11.2024	25.12.2024	25.12.2024

Site:

10 Limes Avenue, Barnes, London, SW13 0HF

Proposal:

Non material amendment to planning permission 21/4304/HOT - Change on the external finish. Wrap around extension to be rendered.

APPLICANT NAME

Mr. Cillian McGreer
10 Limes Avenue
Barnes
London
Richmond Upon Thames
SW13 0HF

AGENT NAME

Mr Mihai Leustean
124 City Road
London
London
EC1V 2NX
United Kingdom

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

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

Development Management

Status: GTD

Date:18/01/2022

Application:21/4154/PS192

Ground Floor Rear extension. Ground Floor Side Extension. Hip to Gable extension to side of existing hip roof. Dormer Extension to rear of existing roof.

Development Management

Status: GTD

Date:04/02/2022

Application:21/4304/HOT

Ground floor side/rear wraparound extension. First and second floor side extension. Hip to gable side extension. Rear dormer extension. Replacement fenestration. Installation of two rooflights.

Development Management

Status: REF

Date:04/03/2022

Application:22/0125/HOT

Hip to gable and rear dormer roof extension and rooflights on front roof slope. Two storey side extension. Part two part single storey rear extension. Replacement windows on front elevation.

Development Management

Status: GTD

Date:06/11/2024

Application:21/4304/NMA

Non material amendment to planning approval 21/4304/HOT to allow addition of two rooflights to rear extension.

Development Management

Status: PDE

Date:

Application:21/4304/NMA1

Non material amendment to planning permission 21/4304/HOT - Change on the external finish. Wrap around extension to be rendered.

Building Control

Deposit Date: 17.08.2010

Dwelling house Upgrade or alteration to means of earthing

Reference: 10/NIC01519/NICEIC

Application Number	21/4304/NMA1
Address	10 Limes Avenue, Barnes, London, SW13 0HF
Proposal	Non material amendment to planning permission 21/4304/HOT - Change on the external finish. Wrap around extension to be rendered.
Contact Officer	Izabela Moorhouse
Target Determination Date	25/12/2024

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 semi-detached property on the south-western side of Limes Avenue. The building is not identified as a Building of Townscape Merit (BTM) and is not designated within a Conservation Area. The site is also subject to the following planning constraints:

- Archaeological Priority Area – Barnes
- Area Benefiting from Flood Defence
- Area Susceptible to Groundwater Flooding - >=50%
- Article 4 Direction- restricting basement development
- Floodzone 2 and 3
- Barnes Village
- South West Barnes Village Character Area.

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

Planning permission 21/4304/HOT was approved by Council for '*Ground floor side/rear wraparound extension. First and second floor side extension. Hip to gable side extension. Rear dormer extension. Replacement fenestration. Installation of two rooflights*'.

The application seeks approval for a non-material amendment to planning approval 21/4304/HOT in order to change on the external finish. Wrap around extension to be rendered.

The comprehensive list of planning history can be found above. Of relevance:

21/4304/HOT - Ground floor side/rear wraparound extension. First and second floor side extension. Hip to gable side extension. Rear dormer extension. Replacement fenestration. Installation of two rooflights - **Granted.**

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

Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?

The proposed amendments to the approved scheme would not constitute minor change and would result in a material change to the approved proposals. The works will be located the wraparound single storey rear extension, which would be visible from public views and would impact the character of the host dwelling and the surrounding area and to what has already been approved. There are to be no other changes made to the original proposal.

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?

The proposed rendering of the wraparound extension would not result in an impact on the amenity of neighbouring occupiers.

Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?

It is not considered that the proposed changes will have a detrimental impact on the amenity of surrounding occupiers to the point where any third party who participated in the original decision would be prejudiced or disadvantaged in any way.

Would the amendments be contrary to any planning policy of the Council?

It is considered that the proposal could have a detrimental impact on the character and appearance of the existing dwelling and surrounding area. Given contrasting materials, it is considered that the amendments could be contrary to planning policy LP1 in design terms.

7. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the process and it is considered the current application does not satisfy Section 96A of the Town and Country Planning Act (1990) as amended.

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):IZM..... Dated:04/12/2024.....

I agree the recommendation:



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

Dated: ...04/12/2024.....

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: