

Application reference: 23/2329/NMA BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
04.12.2024	04.12.2024	01.01.2025	01.01.2025

Site:

48 Castelnau, Barnes, London, SW13 9EX

Proposal:

[Demolition of existing conservatory. and part first floor. Proposed single storey extension and internal alterations with three dormer windows / balconies, and detached Class E building to rear garden.] Non-material amendment to planning approval 23/2329/HOT to allow removal of 'Class E' from the description of development, and to correct a drawing reference number within the approved plans condition.

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

APPLICANT NAME

Mrs Elice Jaswal
48 Castelnau
Barnes
London
SW13 9EX

AGENT NAME

Mr Eric Telford
Whinbarrow Close
Aspatria
Wigton
CA7 3HE

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: GTD Application:01/1547
Date:04/09/2001 Single Storey Rear Extension With Replacement Conservatory.

Development Management

Status: GTD Application:01/1548
Date:28/11/2001 Erection Of Two Dormer Windows To Rear Roof Slope And 1100mm High Railing To Existing, Enlarged, Balcony.

Development Management

Status: GTD Application:01/2706
Date:26/11/2001 Demolition Of Existing Side Additions And Erection Of New Extension.

Development Management

Status: GTD Application:18/1152/HOT
Date:11/06/2018 Demolition of existing rear dormers and part single/ part two-storey rear extensions and erection of new single-storey rear extensions and three new rear dormers.

Development Management

Status: RNO Application:20/T0209/TCA
Date:17/04/2020 T1-3 Lime (x3) - Fell to ground level. Reason: Pushing over retaining wall on public footpath. It will be replanted with x3 Prunus Rotundifolias.

Development Management

Status: RNO

Date:02/09/2020

Application:20/T0602/TCA

T1 Cherry (x1) - Fell to ground level. Reason: Tree is being dwarfed by adjacent Yew Tree and is damaging boundary wall. T2 Pear (x1) - Reduce height and width by 1-2m all around. Final height to be 14ft and final width to be 15ft. Reason: General maintenance. To maintain the tree at a smaller size. T3 Oak (x1) - Reduce height and width by 2m all around. Final height to be 24ft and final width to be 20ft. Reason: General maintenance. To maintain the tree at a smaller size.

Development Management

Status: REF

Date:12/04/2023

Application:22/3268/HOT

Demolition of existing conservatory and dormers. Proposed single storey / part two storey rear extensions and modified roof alterations with three dormer windows / balconies, internal alterations and detached building to rear garden

Development Management

Status: GTD

Date:23/10/2023

Application:23/2329/HOT

Demolition of existing conservatory. and part first floor. Proposed single storey extension and internal alterations with three dormer windows / balconies, and detached Class E building to rear garden.

Development Management

Status: PDE

Date:

Application:23/2329/NMA

[Demolition of existing conservatory. and part first floor. Proposed single storey extension and internal alterations with three dormer windows / balconies, and detached Class E building to rear garden.] Non-material amendment to planning approval 23/2329/HOT to allow removal of 'Class E' from the description of development, and to correct a drawing reference number within the approved plans condition.

Building Control

Deposit Date: 23.07.2001

Single storey side and rear extensions,second floor rear dormer windows,internal alterations and refurbishment.

Reference: 01/1023/1/FP

Building Control

Deposit Date: 06.06.2001

Single storey side and rear extensions,second floor rear dormer windows,internal alterations and refurbishment.

Reference: 01/1023/FP

Building Control

Deposit Date: 04.07.2024

Proposed outbuilding to the rear of the garden

Reference: 24/0808/IN

Building Control

Deposit Date: 05.07.2024

Garden office

Reference: 24/0812/IN

Building Control

Deposit Date: 13.09.2024

Single storey rear extension and dormer loft conversion

Reference: 24/1159/IN

Enforcement

Opened Date: 30.06.2016

Enforcement Enquiry

Reference: 16/0428/EN/UBW

Application Number	23/2329/NMA
Address	48 Castelnau, Barnes, London, SW13 9EX
Proposal	[Demolition of existing conservatory. and part first floor. Proposed single storey extension and internal alterations with three dormer windows / balconies, and detached Class E building to rear garden.] Non-material amendment to planning approval 23/2329/HOT to allow removal of 'Class E' from the description of development, and to correct a drawing reference number within the approved plans condition.
Contact Officer	Kerry McLaughlin

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

48 Castelnau is a late 19th century detached villa within the Castelnau Conservation Area. It was designated as a Building of Townscape Merit (BTM) in September 1983. It is two storeys, plus attic accommodation, in stock brick with red brick dressing under a slate roof. The front façade of No.48 has a projecting gable and steeply pitched roof, with generously proportioned two double height canted bays, one surmounted by a conical roof. Tall chimney stacks are also a feature of the roofscape, which is gabled on one side and with a hipped roof on the other, so the façade has asymmetrical features within a double fronted design. There is a central porch with small balcony above; timber painted front door and sash windows, moulded façade decoration and a mix of brick façade with render/stone detailing.

The surrounding area is predominately residential in nature and is characterised by dwellinghouses of similar appearance to that of the application site in that they are Gothic-style design to others built at around the same time on both sides of the road at the upper end of Castelnau. The houses are well set back from the road behind boundary walls, fences and front driveways. The Wetlands Centre is sited directly behind the site to the east.

The application site is situated within Barnes and is designated as:

- Article 4 Direction – Basements
- Building Townscape Merit
- Community Infrastructure Levy Band – Higher
- Conservation Area - CA25 Castelnau
- Flood zone 2 and 3
- Heliport Safeguarding - 150m High
- Increased Potential Elevated Groundwater
- Protected View
- SFRA Zone 3a High Probability
- Strategic Flood Risk Assessment Zone 2 Medium Probability
- Surface Water Flooding (Area Less Susceptible to)

3. RELEVANT PLANNING HISTORY

Ref	Proposal	Decision
23/2329/HOT	Demolition of existing conservatory. and part first floor. Proposed single storey extension and internal alterations with three dormer windows / balconies, and detached Class E building to rear garden	Granted Permission

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 proposal seeks to remove reference to 'Class E' from the description of development and include drawing number 343.03.110 Rev B within the approved plans.

Drawing number 343.03.110 Rev B was omitted from condition 'U0167407 - Approved Drawings' in error. The outbuilding was in the description of development, shown on the site plan and included within the officer's assessment, as such the inclusion of this drawing number within the approved drawings condition does not result in an alteration to the originally approved scheme.

Case law has demonstrated that a decision notice should be considered in the round. The reference to Class E in the description must be read alongside the condition which clearly specifies the use as ancillary or incidental to the use of the existing dwelling house and the drawings. The description notably does not say use Class E. The outbuilding plans were available for public scrutiny from validation, are drawn to scale and illustrate the uses as home office and gym. As such, the removal of reference to 'Class E' from the description of development does not alter the original approval in any way.

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

The proposal under this current application does not alter the scale, design or siting of the development consulted upon, concluded to be acceptable and approved scheme in any way.

2. Would the proposed change result in 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 amendments would have a neutral impact upon neighbouring amenity when compared to the originally approved scheme and those properties surrounding the application site would not be unduly affected as a result of the proposed amendment. There is no change resulting to the scale, design or siting of the development.

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

The change to the description is a matter of clarification only and the outbuilding has been consulted upon, fully assessed and deemed acceptable with these conclusions published in the officer's report under planning application 23/2329/HOT.

4. Would the amendments be contrary to any planning policy of the LPA?

The amendments would result in a scheme which would continue to comply with the relevant policies.

It is therefore considered that the proposed alterations would constitute as a “non-material” change.

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): KM

Dated: 10/12/2024

I agree the recommendation:

South Area Team Manager:ND.....

Dated:10.12.2024.....