

## Application reference: 22/3008/NMA BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
03.12.2024	03.12.2024	31.12.2024	31.12.2024

### Site:

33 Madrid Road, Barnes, London, SW13 9PF

### Proposal:

Non material amendment to planning approval 22/3008/HOT to allow amendments to the three windows at dormer level from sash-style to a single pane of glass.

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

### APPLICANT NAME

Mrs Magdalena Markiewicz  
33 Madrid Road  
London  
SW13 9PF  
United Kingdom

### AGENT NAME

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

### Consultations:

#### Internal/External:

#### Consultee

#### Expiry Date

### Neighbours:

29 - 31 Madrid Road, Barnes, London, SW13 9PF -

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

#### Development Management

Status: REF

Date: 27/10/2021

Application: 21/2874/HOT

Erection of front and rear dormer roof extensions to be constructed jointly with neighbour.

#### Development Management

Status: GTD

Date: 30/06/2022

Application: 22/1449/HOT

Single storey rear extension, replacement of windows and front facing rooflights.

#### Development Management

Status: GTD

Date: 28/11/2022

Application: 22/3008/HOT

Erection of rear dormer roof extension to main roof and roof to outrigger. 2 x front facing roof lights. Replacement windows and external materials to rear. Removal of front chimney stack. Relocation of chimney stack to outrigger.

#### Development Management

Status: GTD

Date: 28/11/2022

Application: 22/3107/HOT

Excavation and construction of basement and ground floor rear extension.

#### Development Management

Status: RNO

Date: 20/06/2024

Application: 24/T0420/TCA

We are applying to remove a medium sized old apple tree which is growing very close to the boundary of the property and is destroying the fence,

especially at the ground/root level as well as at the canopy level. The fence is in a very bad way and needs complete replacing and the tree is obstructing this. It has also become too large/spread for our narrow garden and is becoming hard to manage and casting a lot of shade given the canopy is very low.

---

Development Management

Status: GTD

Date: 09/12/2024

Application: 24/2651/HOT

Proposed installation of a new air conditioning unit to the side elevation.

---

Development Management

Status: PDE

Date:

Application: 22/3008/NMA

Non material amendment to planning approval 22/3008/HOT to allow amendments to the three windows at dormer level from sash-style to a single pane of glass.

---

Appeal

Validation Date: 20.01.2022

Erection of front and rear dormer roof extensions to be constructed jointly with neighbour.

Reference: 22/0007/AP/REF

**Appeal Allowed**

---

Building Control

Deposit Date: 29.09.2009

Lounge Dry Roomheater/Stove Dry System Only Twin Wall Flexible Liner Updated Existing Hearth/Surround

Reference: 10/HET00067/HETAS

---

Building Control

Deposit Date:

No description provided

Reference: 13/HET00655/HETAS

---

Building Control

Deposit Date: 28.05.2024

The work includes a new basement, ground floor extension, first floor and loft extension

Reference: 24/0652/IN

---

**22/3008/NMA**  
**33 Madrid Road Barnes London SW13 9PF**

**Proposal:**

Non material amendment to planning approval 22/3008/FUL to allow amendments to the three windows at dormer level from sash-style to a single pane of glass.

**Site description:**

The application site comprises a two storey semi-detached dwelling located on the western side of Madrid Road. The site falls within the Madrid Road Conservation Area, however does not constitute a Building of Townscape Merit. It is located within Floodzones 2 and 3, and is in an area susceptible to surface water flooding. The site is also located within the protected view across Richmond Park, as well as within the indicative zone of the protected view from Richmond Park towards St Pauls Cathedral.

**Relevant Planning History:**

Outlined above.

**Public and other representations:**

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.

In this instance no public consultation was undertaken. Notwithstanding such, 1 x general observation was received which raised concern that materials would be altered from the approved drawings. The observation also requested that the condition requiring obscure glazed windows would remain.

**Amendments:**

None.

**Planning Policies**

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.

**Professional comment:**

This submission seeks confirmation that amendments to the three windows at dormer level from sash-style to a single pane of glass. Constitutes a non-material alteration to the approved scheme.

Having compared the submitted drawings with the scheme approved under 24/1136/HOT, there are no other changes. The size and overall appearance of the remainder of the development would be as approved.

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:

1. *Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approvals?*
2. *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 the occupiers of the adjoining properties?*
3. *Would the interests of any third party or body who participated in or were informed the original decision be disadvantaged in any way?*

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

The changes are assessed against each test below

- 1. The proposed windows are the same size as those approved and would not result in any increase in scale.
- 2. Whilst a glazing bar would be removed to create a single pane, it is not considered these would appear to be noticeably different given they are somewhat screened from public views and also given they appear a similar style to the approved bay window on the rear elevation. The windows will remain as approved in timber frames and double glazed. A condition was attached to the parent permission which required side facing windows to be obscure glazed. This condition will still apply in the case this application is approved and therefore neighbour amenity will not be compromised.
- 3. As above, there is no increase in scale and there will remain a requirement to obscure glaze the side facing windows. It is not considered the interests of third parties will be compromised.
- 4. The proposal is compliant with the LPA's planning policy.

**Summary**

The changes shown on the submitted drawings are not considered to represent a material alteration to the approved scheme or to affect the conditions imposed on the original planning permission.

**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): ...DAV.....

Dated: .....18/12/24.....

**I agree the recommendation:**

VAA

Dated: 17.12.2024