

## Application reference: 24/0851/NMA SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
07.01.2025	07.01.2025	04.02.2025	04.02.2025

**Site:**

48 Berwyn Road, Richmond, TW10 5BS,

**Proposal:**

Part single/part two storey rear extension. Replacement front boundary wall and entrance gates. [Non-material amendment to planning permission 24/0851/HOT (allowed on appeal), to allow for alterations to the first floor roof/gutter detail along the south elevation of the rear extension.]

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

**APPLICANT NAME**

C/O Agent

**AGENT NAME**

Mr Mandip Sahota  
46 James Street  
London  
W1U 1EZ

**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

Date:28/07/1987

Application:87/0546

Extension of living space at ground floor level and additional bathroom at first floor level.

Development Management

Status: GTD

Date:14/09/1987

Application:87/1433

Erection of part single and part 2 storey extension.

Development Management

Status: RNO

Date:22/12/2022

Application:22/T0969/TCA

T1- Leylandii -FELL and grind out stump, tree is close to property causing problems and excessively shading house and neighbours T2- Leylandii-FELL and grind out stump, tree is close to property causing problems and excessively shading house T3- Leylandii -FELL and grind out stump, tree is close to property causing problems and excessively shading house T4- Leylandii- FELL and grind out stump, tree is close to property causing problems and excessively shading house

Development Management

Status: GTD

Date:30/01/2023

Application:22/3592/HOT

Replacement single storey rear extension.

Development Management

Status: REF

Application:22/3676/HOT

Date:03/02/2023	Proposed first floor side and rear extension.
<u>Development Management</u> Status: PCO Date:	Application:23/T0096/TCA T2 Purple Plum - Reduce reduce height by 3m to 3m and crown from 3m to 2m G3 Lawson Cypress - Remove G5 Row of Leylandis - (estimated at 4) Remove T4 Apple - reduce height by 3m to 3m and crown 3m to 1.5m T6 Fig - reduce height by 3m to 3m and crown from 2m to 1m T7 - Remove T8 - Cypress - Remove T9 - Mimosa - Remove T10 - Lawson Cypress - Remove T11 - Lawson Cypress - Remove G12 - Row of Leylandi - (estimated at 8) Remove G13 - Leylandi - Remove T14 - Plum - Remove T15 - Apple - reduce height by 2m to 2m and thin accordingly T16 - Pear - reduce height by 3m to 3m and thin accordingly G17 - Row of Leylandi - (estimated at 2) Remove
<u>Development Management</u> Status: REF Date:20/03/2023	Application:23/0414/HOT Proposed first floor side and rear extension.
<u>Development Management</u> Status: REF Date:20/03/2023	Application:23/0416/HOT Proposed first floor side and rear extension.
<u>Development Management</u> Status: RNO Date:03/05/2023	Application:23/T0250/TCA T2 Purple Plum - Reduce reduce height by 3m to 3m and crown from 3m to 2m G3 Lawson Cypress - Remove G5 Row of Leylandis - (estimated at 4) Remove T4 Apple - reduce height by 3m to 3m and crown 3m to 1.5m T6 Fig - reduce height by 3m to 3m and crown from 2m to 1m T7 - Remove T8 - Cypress - Remove T9 - Mimosa - Remove T10 - Lawson Cypress - Remove T11 - Lawson Cypress - Remove G12 - Row of Leylandi - (estimated at 8) Remove G13 - Leylandi - Remove T14 - Plum - Remove T15 - Apple - reduce height by 2m to 2m and thin accordingly T16 - Pear - reduce height by 3m to 3m and thin accordingly G17 - Row of Leylandi - (estimated at 2) Remove
<u>Development Management</u> Status: REF Date:24/05/2023	Application:23/0922/HOT Proposed side and rear extensions.
<u>Development Management</u> Status: REF Date:24/05/2023	Application:23/0925/HOT Proposed side and rear extensions.
<u>Development Management</u> Status: REF Date:03/08/2023	Application:23/1636/HOT Proposed side and rear extension.
<u>Development Management</u> Status: REF Date:06/05/2024	Application:24/0482/HOT Proposed side and rear extension and replacement front boundary wall and entrance gates.
<u>Development Management</u> Status: REF Date:05/06/2024	Application:24/0851/HOT Part single/part two storey rear extension. Replacement front boundary wall and entrance gates.
<u>Development Management</u> Status: REF Date:29/05/2024	Application:24/0852/HOT Part single/part two storey side/rear extension and replacement front boundary wall and entrance gates.
<u>Development Management</u> Status: REF Date:07/08/2024	Application:24/1487/HOT Single-storey rear extension, new front boundary and landscaping.
<u>Development Management</u> Status: PDE Date:	Application:24/0851/NMA Part single/part two storey rear extension. Replacement front boundary wall and entrance gates. [Non-material amendment to planning permission 24/0851/HOT (allowed on appeal), to allow for alterations to the first floor roof/gutter detail along the south elevation of the rear extension.]

Appeal

Validation Date: 24.05.2023 Reference: 23/0035/AP/REF	Proposed first floor side and rear extension.
<u>Appeal</u> Validation Date: 14.07.2023 Reference: 23/0047/AP/REF	Proposed first floor side and rear extension.
<u>Appeal</u> Validation Date: 14.07.2023 Reference: 23/0048/AP/REF	Proposed first floor side and rear extension.
<u>Appeal</u> Validation Date: 14.07.2023 Reference: 23/0049/AP/REF	Proposed side and rear extensions.
<u>Appeal</u> Validation Date: 14.07.2023 Reference: 23/0050/AP/REF	Proposed side and rear extensions.
<u>Appeal</u> Validation Date: 03.11.2023 Reference: 23/0103/AP/REF	Proposed side and rear extension.
<u>Appeal</u> Validation Date: 17.06.2024 Reference: 24/0081/AP/REF	Proposed side and rear extension and replacement front boundary wall and entrance gates. <b>Appeal Allowed</b>
<u>Appeal</u> Validation Date: 12.09.2024 Reference: 24/0107/AP/REF	Part single/part two storey rear extension. Replacement front boundary wall and entrance gates. <b>Appeal Allowed</b>
<u>Appeal</u> Validation Date: 26.09.2024 Reference: 24/0112/AP/REF	Part single/part two storey side/rear extension and replacement front boundary wall and entrance gates. <b>Appeal In Progress</b>
<u>Appeal</u> Validation Date: 03.10.2024 Reference: 24/0114/AP/REF	Single-storey rear extension, new front boundary and landscaping. <b>Appeal In Progress</b>
<u>Building Control</u> Deposit Date: 24.09.2007 Reference: 07/FEN00840/FENSA	6 Windows
<u>Building Control</u> Deposit Date: 31.07.2019 Reference: 19/FEN02752/GASAFE	Install a gas-fired boiler

<b>Application Number</b>	<b>24/0851/NMA</b>
<b>Address</b>	<b>48 Berwyn Road, Richmond, TW10 5BS</b>
<b>Proposal</b>	<b>Part single/part two storey rear extension. Replacement front boundary wall and entrance gates. [Non-material amendment to planning permission 24/0851/HOT (allowed on appeal), to allow for alterations to the first-floor roof/gutter detail along the south elevation of the rear extension.]</b>
<b>Contact Officer</b>	<b>Kerry McLaughlin</b>

## 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 proposal property is a two-storey, detached dwelling, located on the eastern side of Berwyn Road.

The application site is subject to the following planning constraints:

Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 75% - SSA Pool ID: 1491
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Conservation Area	CA69 Sheen Common Drive
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Increased Potential Elevated Groundwater	GLA Drain London
Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency	RoFSW Extent 1 In 1000 year chance
Village	Richmond and Richmond Hill Village
Village Character Area	Sheen Common Drive - Character Area 15 & Conservation Area 69 East Sheen Village Planning Guidance Page 49 CHARAREA05/15/01
Ward	South Richmond Ward

## 3. RELEVANT PLANNING HISTORY

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

24/0851/HOT - Part single/part two storey rear extension. Replacement front boundary wall and entrance gates. - Application Refused - Appeal Allowed

## 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 Officer Planning Report – Application 24/0851/NMA Page 4 of 6

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.

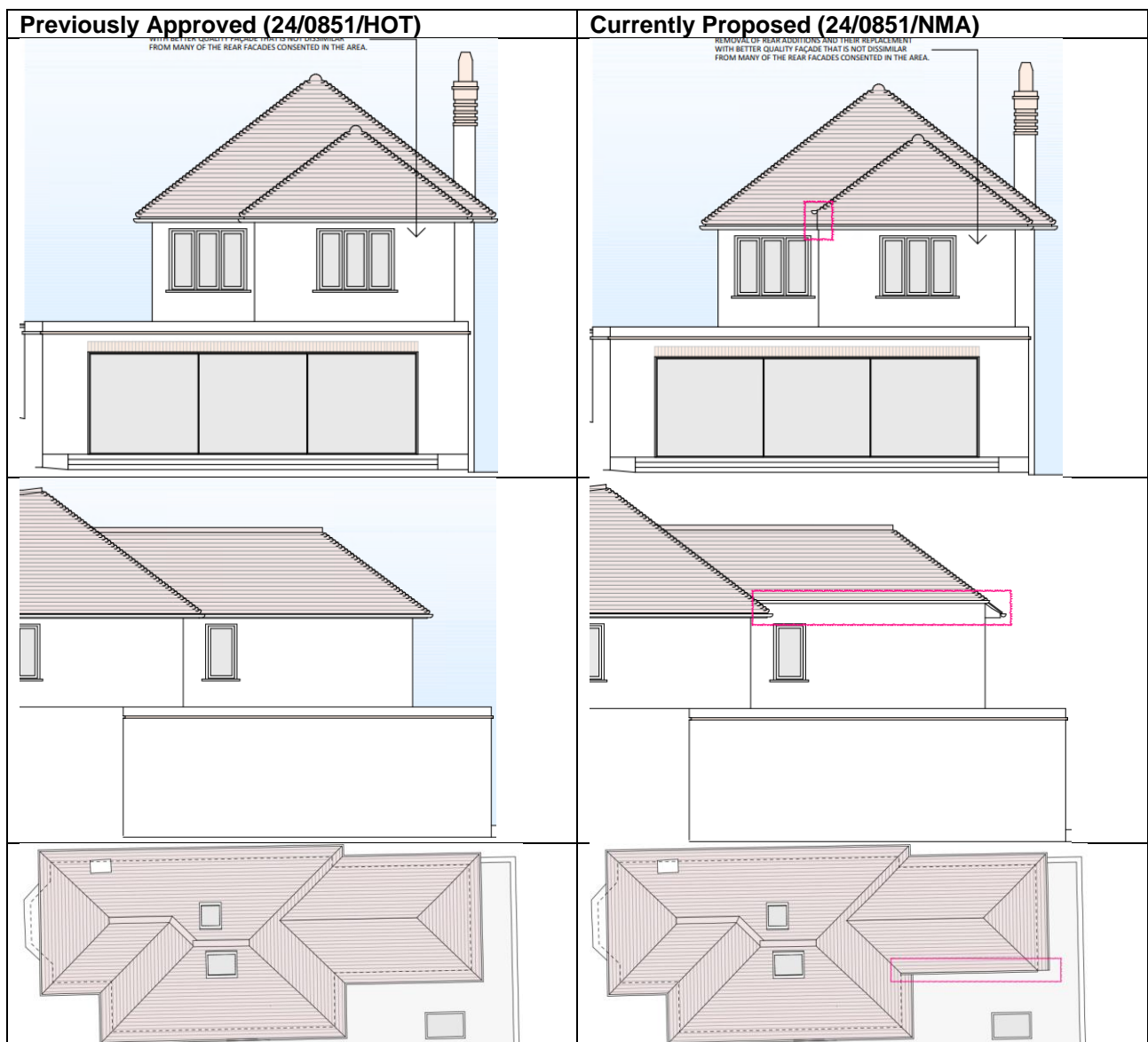
Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

- 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 allow for alterations to the first-floor roof/gutter detail along the south elevation of the rear extension.



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

The alterations would not create a significant visual difference to the previously approved scheme.

**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 alterations would not cause any further impact on neighbouring amenity to the previously approved scheme and those properties surrounding the application site would not be unduly affected as a result of the proposed amendment.

**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 proposed changes would not have any detrimental impact on the amenity of occupiers and character and appearance of the area over the approved scheme, to the point where any third party on the original decision would be prejudiced or disadvantaged in any way.

**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: 09/01/2025

**I agree the recommendation:**

South Area Team Manager: .....ND.....

Dated: .....10.01.2025.....