

Application reference: 22/2545/NMA
BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
27.12.2024	27.12.2024	24.01.2025	24.01.2025

Site:

7 Cardigan Road, Barnes, London, SW13 0BH

Proposal:

Non material amendment to planning approval 22/2545/HOT to allow for a single corner window, facing North and East. The proportions are similar to those next door at 5 Cardigan Road so that the proposals will be more consistent with the other half of the semi-detached house pair.

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

APPLICANT NAME

Mr Nicholas Braganza Langstaff
7 Cardigan Road
Barnes
London
Richmond Upon Thames
SW13 0BH
United Kingdom

AGENT NAME

Mr Nicholas Braganza Langstaff
Studio 132, China Works
100 Black Prince road
London
London
SE1 7SJ
United Kingdom

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:16/1184/HOT
Date:27/05/2016 Ground floor side infill extension

Development Management

Status: GTD Application:22/2545/HOT
Date:14/10/2022 Refurbishment of poorly constructed second floor, with additional insulation and improvements to external appearance with replacement of concrete tiles with natural slate, timber double-glazed windows and new copings..
Extension of loft to the rear. Replacement of external windows with timber double glazed windows to match existing.

Development Management

Status: PCO Application:22/2545/NMA
Date: Non material amendment to planning approval 22/2545/HOT to allow for a single corner window, facing North and East. The proportions are similar to those next door at 5 Cardigan Road so that the proposals will be more consistent with the other half of the semi-detached house pair.

Development Management

Status: GTD Application:76/1191
Date:05/01/1977 Demolition of existing ground floor rear extension and balcony; erection of new rear extension and balcony at ground floor; alterations to rear basement elevation and enlargement of area to basement, and conversion and use of basement and ground floor as two self-contained flats.

Development Management
Status: GTD Application:77/0671
Date:31/08/1977 Conversion and use of first, second and third floors as four self-contained flats.

Development Management
Status: RNO Application:24/T0857/TCA
Date:14/11/2024 T1 Dead apple - fell T2 Apple - Reduce by 1.5 metres. dimensions after pruning H 3.5M W4M

Development Management
Status: PCO Application:22/2545/NMA
Date: Non material amendment to planning approval 22/2545/HOT to allow for a single corner window, facing North and East. The proportions are similar to those next door at 5 Cardigan Road so that the proposals will be more consistent with the other half of the semi-detached house pair.

Building Control
Deposit Date: 16.08.2011 Installed a Gas Boiler
Reference: 11/FEN03446/GASAFE

Building Control
Deposit Date: 23.07.2013 1 Door
Reference: 13/FEN03053/FENSA

Building Control
Deposit Date: 07.04.2014 1 Door
Reference: 14/FEN01212/FENSA

Building Control
Deposit Date: 16.06.2016 Single storey ground floor side/rear extension and refurbishment of dwelling house, including fit out of bathroom and kitchen and associated works
Reference: 16/1311/IN

Building Control
Deposit Date: 10.12.2016 Install one or more new circuits
Reference: 17/NIC00012/NICEIC

Building Control
Deposit Date: 13.03.2007 Single storey rear extension at basement level
Reference: 07/0530/FP

Application Number	22/2545/NMA
Address	7 Cardigan Road, Barnes, SW13 0BH
Proposal	Non-material amendment to planning approval 22/2545/HOT to allow for a single corner window, facing North and East. The proportions are similar to those next door at 5 Cardigan Road so that the proposals will be more consistent with the other half of the semi-detached house pair.
Contact Officer	Izabela Moorhouse
Target Determination Date	24/01/2024

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 host site located at 7 Cardigan Road is an early 20th century semi-detached house within the Barnes Common Conservation Area. It extends two storeys in height with an additional dormer level provided via existing front and rear dormers. The façade is stock brick faced in red brick to the front elevation, with a full height forward projecting bay topped with a gable, with two windows to each floor. The windows to the front elevation have an irregular glazing pattern, with a nine-pane top sash and a single pane bottom sash. To the rear there is an original two storey outrigger, and a single storey rear and side extension.

The special heritage interest of the host site is identified as its architectural style, as well as its mirrored symmetry with no.5, and contribution to the cohesive streetscape of the northern side of Cardigan Road and the wider area.

The surrounding area is similarly established and includes other instances of front dormers, though there is not an established window pattern that might inform future development.

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

- Area Benefiting Flood Defence
- Area Susceptible to Groundwater Flooding - >= 50%
- Article 4 Direction - Basements
- Barnes Common Conservation Area
- Floodzone 2
- Floodzone 3
- Heliport Safeguarding - 150m High
- Protected View (Indicative Zone)
- SFRA Zone 3a High Probability
- Strategic Flood Risk Assessment Zone 2 Medium Probability
- Surface Water Flooding (Area Less Susceptible to)
- Surface Water Flooding (Area Susceptible to)

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

Planning permission 22/2545/HOT was approved by Council for *'Refurbishment of poorly constructed second floor, with additional insulation and improvements to external appearance with replacement of concrete tiles with natural slate, timber double-glazed windows and new copings. Extension of loft to the rear. Replacement of external windows with timber double glazed windows to match existing'*.

The application seeks approval for a non-material amendment to planning approval 22/2545/HOT in order to allow for a single corner window, facing North and East.

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

22/2545/HOT - Refurbishment of poorly constructed second floor, with additional insulation and improvements to external appearance with replacement of concrete tiles with natural slate, timber double-glazed windows and new copings.. Extension of loft to the rear. Replacement of external windows with timber double glazed windows to match existing – **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 are considered to constitute a material change to the approved scheme. The proposals include for a change in the design of the rear window to the second floor which were included in the proposals for 22/2545/HOT. Therefore, they would result in an obvious and material change to the original permission.

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?

In terms of adjoining properties, it is considered that the proposed changes to the fenestration design could result in an impact on the amenity of occupiers of adjoining properties considering the window is to wraparound to the side elevation. However it is appreciated a side facing window is approved on this elevation. The design would appear noticeably different when compared to the original scheme. The proposed changes are therefore considered to be a material change as they would appear noticeably different to the original permission and the design impacts of the fenestration would need to be assessed.

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

As noted above, the proposed changes could have an impact on the amenity of surrounding occupiers or to the general character and appearance of the area, The design and amenity impacts of the fenestration
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design would need to be assessed.

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

It is considered that the that the changes would not have an impact on the character and appearance of the existing building and surrounding area compared to that of the proposed, given the presence of similar window designs along the row. Overall, it is considered that the amendments are not contrary to any planning policy.

However, the proposed changes would materially alter the permission 22/2545/HOT which was subject to consultation and assessed against the Local Plan (2018) and relevant supporting Guidance. This proposal is not acceptable as a non-material amendment to 22/2545/HOT as it would appear visually different to the original scheme and could give rise to adverse neighbour amenity impacts, contrary to LP8 of the Local Plan and policy 42 of the Publication Local Plan. A planning application would need to be submitted to assess these potential impacts.

Overall, the above alterations are considered to warrant the submission of a new application.

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.

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:20/01/2025.....

I agree the recommendation:

Senior Planning Officer
DAV

Dated:21/01/2025.....