

Officer Report

Application No.	21/2362/FH/NMA
Site Address	Land rear of 141 Coast Drive, Lydd On Sea, Romney Marsh, Kent, TN29 9NT
Officer Name	Helena Payne
Proposal	Non material amendment to Y18/1075/FH - Erection of a detached dwelling with associated car parking, following the demolition of a garage - to replace boarding to gable ends with brickwork for the full end elevations and to add an obscure glazed rooflight to the rear roof slope

Recommendation

Report Number	RD-427329
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	17 December 2021

Report

Site Visit

A full site assessment was carried out during consideration of the original submission

Site

The site is a corner plot of Coast Drive and Williamson Road and is bound on the western boundary by Romney, Hythe and Dymchurch Railway.

The opposite/east side of Coast Drive from the site is within a National nature Reserve, Special Area of Conservation, Special Protection Area, Ramsar and the Dungeness, Romney Marsh and Rye Bay SSSI.

The main building of the existing corner plot is a chalet bungalow finished in painted render, a tiled roof and uPVC windows, with a flat roofed rear extension, detached rear and facing brick boundary walls. The application site is created via the subdivision of part of the rear garden of the existing plot.

Proposal

The application seeks a non-material amendment to Y18/1075/FH - Erection of a detached dwelling with associated car parking, following the demolition of a garage - to replace boarding to gable ends with brickwork for the full end elevations and to add an obscure glazed rooflight to the rear roof slope.

History

Y18/1075/FH – Erection of a detached dwelling with associated car parking, following the demolition of a garage. Approved with conditions.

Representations

As an application under s.96a is not an application for planning permission, the Development Management Procedure Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, Planning Authorities have discretion in whether and how they chose to inform other interested parties and seek their view. Due to the small changes proposed, it was considered that there was no need to consult.

Development Plan

The Development Plan for the area comprises the Shepway Local Plan Core Strategy (2013), Places and Policies Local Plan (2020), Core Strategy Review Submission Draft (2020), The National Planning Policy Framework (2018) and National Planning Policy Guidance and are considered to conform.

Planning Appraisal.

The background for non-material amendments is found under section 96a of the Town & Country Planning Act 1990. Planning permission was granted in 2019 for the erection of 8 new apartments with associated parking. The 2019 approval was submitted in order to amend the original 2018 scheme. The proposed amendments, subject of this current submission, include for the provision of a small porch structure to the front entrance of the new flatted development. No other changes are proposed.

Principle

The National Planning Practice Guidance (NPPG) Flexible options for planning permissions at paragraph 002 states “There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96a of the Town & Country Planning Act 1990”.

Consideration

The proposed change from the use of cladding/boarding to brick within the gable ends of the new dwelling would result and a minor change to the appearance of the new dwelling, and one that is not considered to introduce new material considerations into the acceptability of the scheme as a whole. The use of brick would match the adjacent dwelling more harmoniously. The addition of obscure glazing within the roof-light to the rear of the roof slope, serving a bathroom would result in no new amenity considerations, in terms of visual appearance and privacy/overlooking above that of the original submission and in this regard, is acceptable. No other changes are proposed and there would be no detrimental impact on the amenities of any neighbours and therefore no objection is raised to this non-material change. The Local Planning Authority is satisfied that the amendment sought is non material to the approved scheme under Y18/1075/FH.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

The proposed amendment would not have a material impact upon the external appearance of the building or on neighbouring amenity and therefore the LPA is satisfied that the proposal is non material.

Case Officer: Helena Payne

Report and draft decision notice completed and passed to senior officer.

Name: Helena Payne Position: Development Management Team Leader Date: 17.12.2021

Recommended Conditions (1)

1

Condition 2 of the detailed permission to planning permission Y18/1075/FH dated 08.05.2019 shall now read:

The development hereby permitted under the detailed planning permission shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 21/IH/WR-NMA101 Rev P1 and 101, received 25 November and 17 December 2021 and DS/2078/3, received 22 August 2018.

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.