

Officer Report

Application No.	24/0339/FH/NMA
Site Address	17 Stade Street, Hythe, CT21 6DA
Officer Name	David Campbell
Proposal	Non Material Amendment to planning permission 22/0591/FH to allow for amendments by removing the side return extension and utilizing the existing window frames in the side return, while reducing the width of the rear bi-fold door

Recommendation

Report Number	RD-434164
Recommended Decision	Recommended to be Approved
Recommendation Date	28 March 2024

Report

Site

17 Stade Street is a three storey end terrace dwelling to the front is a boundary wall. To the rear of the dwelling is an infill between the main dwelling and the neighbouring property. The host dwelling is located within a Site of Special Scientific Interest- Impact Risk Zones, Flood Zone 2, Flood Zone 3, Archaeological Notification areas and a Conservation Area.

Proposal

The application seeks a non-material amendment to planning permission 22/0591/FH to allow for amendments by removing the side return extension and utilizing the existing window frames in the side return, while reducing the width of the rear bi-fold door.

History

22/0591/FH - Erection of a single storey infill side extension with new window/ glazed door and rooflight. New glazed external door system at the rear to replace existing back door and WC window.

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 Places and Policies Local Plan (2020) and Core Strategy Review (2022). The National Planning Policy Framework (2018) and National Planning Policy Guidance and are considered to conform.

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”.

Planning Appraisal

The application would result in minor changes to the approved scheme including a reduction in the size of the extension and changes to the windows. This is considered not to result in a significant change to the appearance or design of the proposal given that it would be to the rear. While it would introduce new side facing windows to the ground floor, given that they would face a blank wall at the neighbouring property this is not considered to be an issue. The amendments to the rear bi-fold doors are considered to be very minor.

Consideration

The proposed changes would not significantly alter the appearance of the proposal as a whole as there would be no significant impact on the amenity of the surrounding area conservation area or neighbouring dwellings. The application is considered to have limited implications beyond those considered under the original application and as such is considered to be acceptable.

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

Suggested Informatives (2)

1

The proposal is considered to constitute a non-material amendment. Condition 2 of planning permission 22/0591/FH should now read as follows:

The development hereby permitted shall not be carried out except in complete accordance with the following plans: P3010 Rev: 00, P3110 Rev:00, P3700 Rev:00, P0800 Rev: 00,

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

2

You are reminded that the conditions attached to original decision still apply and that this decision must be read in conjunction with that planning approval.