
Delegated report Officer: Teresa Turner

Application ref. DMOT/2019/0939

Non-material amendment to permission ref. 9/2018/0511 seeking external joinery alterations relating to the erection of extensions and alterations to the main house at The Mill, Main Street, Smisby, Ashby De La Zouch, LE65 2TY

Valid date: 18/07/2019

Consults expired:

EIA development?

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2017/1181 - Demolition of attached outbuildings, extensions and alterations to main house, new detached outbuildings and garden room – approved with conditions on 16/01/18. Although a formal discharge of condition application was not received, the conditions on the above-mentioned application were being worked through. Brick and tile samples (many were saved from the collapse of the old detached outbuilding) and a pointing sample panel for the new detached outbuilding were viewed on site as this part of the development had been substantially completed with the approved windows on order.

The above application was then superseded by 9/2018/0511/FH - The demolition of the attached outbuilding and the erection of extensions and alterations to the main house and the erection of detached outbuildings and a detached garden room (amended scheme to permission ref. 9/2017/1181) - approved with conditions on 05/07/2018. The application included those details that were required by condition on the 9/2017/1181 and which had been verbally agreed (see above).

Responses to consultations and publicity

None received.

The details were discussed with the Conservation Officer at the time (Liz Knight) and were deemed acceptable from a conservation point of view.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality), Policy BNE1 (Design Excellence), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2 (LP2): H27 (Residential extensions and other householder development), BNE10 (Heritage)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Smisby Conservation Area Character Statement

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Unlike section 73 of the Town and Country Planning Act 1990, which only allows a Local Planning Authority (LPA) to vary or remove planning conditions; section 96A allows an LPA to make a change to any planning permission if they are satisfied that the change is not material.

This application seeks to amend the following:

- Front (north) elevation: approved ground floor 2 light reception hall window moved further away from the junction of the extension with the host;
- Rear (south) elevation: approved ground floor 4 light kitchen window changed to patio doors;
- Side (east) elevation: approved ground floor 3 light kitchen window removed and approved patio doors increased to a triple door; and
- Side (west) elevation: approved ground floor double entrance doors into the reception hall changed to a single door.

Planning assessment

It should be noted that the submitted amendments to the 9/2018/0511 planning permission were confirmed as being acceptable in February 2019 and the joinery changes have been implemented. This application seeks to formalise the non-material amendments which are listed above.

The amended joinery that has been installed is in keeping with the form and design of the previously approved scheme and would preserve the positive contribution that the building makes to the conservation area.

Front elevation amendment:

The window serves the same room as previously approved (reception hall) and the changed location would have no greater impact on the closest neighbours (Hillside Farm and The Orchard) to the north side of the highway.

Rear elevation amendment:

The patio doors serve the same room and would provide an access point from the approved kitchen into the rear garden. There would be no increased impact on the neighbours to either side of the site (Ivanhoe House and Walnut Cottage).

East elevation amendment:

The approved doors and windows serve the same room (kitchen) and the proposed change would not have an increased impact on the closest neighbour (Walnut Cottage).

West elevation amendment:

The main entrance door into the approved reception area faces the newly replaced single storey outbuilding located to the west side of the host property and there would be no increased impact on the closest neighbour (Ivanhoe House).

The implemented scheme as submitted continues to result in an acceptable design outcome and the impacts on adjoining and surrounding residential amenity have not been increased. As such, the amendments to the previously approved scheme are considered to be non-material and acceptable in planning terms.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and

to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	09/10/2019
Report agreed:	10/10/2019
Authorised officer:	Richard Stewart
