
Delegated report Officer: Helen Branson

Application ref. DMOT/2023/0885

Non-material amendment to permission ref. DMPA/2022/0659 (erection of an extension) seeking change to the window and door placement on the rear extension and addition of sun pipes at 3 Mill Farm, Repton, Derby, DE65 6RR

Valid date: 11/07/2023

Consults expired:

EIA development? No

Section 106 agreement? Not required

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

Relevant planning history

This application seeks approval for a non material amendment to the host permission, as described above. The host permission forms the most relevant history for this application.

Responses to consultations and publicity

This application seeks approval for a non material amendment to the host permission, as described above. The host permission forms the most relevant history for this application.

Relevant policy, guidance and/or legislation

All relevant policies were considered during the assessment of the host permission and there are no additional policies of relevance in the determination of this application.

Planning considerations

This application has been submitted pursuant to Section 96A of the Town and Country Planning Act 1990. The sole issue for consideration in this type of application is whether the proposed amendments being sought materially alter the development approved by the original, 'parent', planning permission.

There is no statutory definition of 'non-material' as it is dependent on the specific context of each site and the development that has been approved. Annex A of the NPPG explains that the Local Planning Authority must be satisfied that any amendment or amendments proposed are not material. It must also have regard to the effect of the proposed change(s), together with any previous changes that may have already been agreed under Section 96A of the 1990 Act.

Section 96A of the Act enables the Local Planning Authority to make such a change to a planning permission relating to land in their area and this includes the power to impose new conditions and to remove or alter existing conditions.

This application seeks to amend the approved plans as follows:

- Amending the ground floor window and door placement on the rear extension from a window and bi-fold door on the rear elevation and bi-door on the side elevation to a larger bi-fold door on the rear elevation and a small window to the side elevation.
- addition of 2 sunpipes to the rear roof slope of the main dwelling

Taking this into account the planning consideration relevant to the determination of the application are:

- Visual impact
- Residential amenity

Planning assessment

Visually the new window layout will create a more balanced rear elevation.

The changes to the windows and bi-fold doors on the rear elevation will not alter the impact on the amenity of neighbouring properties.

The replacement of the originally proposed bi-fold door with a smaller window on the side elevation will arguably have a lesser impact on the amenity of the neighbouring property on this side.

Sun pipes do not offer additional views so are not considered to have an impact on the amenity of neighbouring properties.

Overall the changes would not materially alter the previously assessed impacts of the approved scheme. As such, having regard to the proposals and the relevant policies and guidance the amendments proposed are considered to be non-material to the development as granted permission and as such are acceptable.

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:	13/07/2023
Report agreed:	18/07/2023
Authorised officer:	Sarah Beeby
