CASE OFFICER'S REPORT

Application Reference:	PL/2023/08350
Application Type:	Non-Material Amendment
Consultation ends:	28th September 2023
Case officer:	Stefan Galyas

Site Address:	The Bramleys, Orchard Gardens, Purton, Swindon, Wilts, SN5 4EJ
Proposal:	Non-Material Amendment to PL/2021/07397 - To allow reduction in width of extension and alterations to doors and windows
Recommendation:	Approve with Conditions

The non-material amendment procedure was introduced in 2009 as an addition to the Planning Act under Section 96A. This provided a mechanism to make non material changes to existing planning permissions through an application with a quicker decision time (28 days), to deal with issues that may arise after permission has been granted.

There is no statutory definition for what constitutes a 'non-material' change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependant on the context of the overall scheme and "what may be non-material in one context may be material in another". Section 96A of the Planning Act states that "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".

The decision for the Council is whether the change is non-material to the planning permission. If the change is considered 'material' then a planning application would need to be submitted under Section 72 of the Planning Act for a variation of the plan condition to make the change (this is also known as a minor material amendment application). Further information on the differences between the procedures is outlined at Annexe 2 which was produced by the Government under the NPPG.

As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.

Planning permission was originally granted for a single storey rear extension and front porch. The current non-material amendment seeks to reduce the width of the rear extension and alter the proposed windows at ground floor level on that same elevation.

The proposed rear extension would be reduced in width by approximately 4m and the bi-folding doors would accordingly be moved to the west. The proposed windows and rooflight are considered to mirror the view approved under the original permission and would not likely result in an unacceptable overlooking impact.

The reduction of the rear extension and alterations to fenestration have been reviewed and considered in detail against the principal application submissions/ approved details, the development plan and national guidance. The proposal has been found to be acceptable and does not raise any material considerations that would require consultation or lead to significant additional impacts beyond what has been previously consented.

As such, it is considered that the amendments are non-material and are thereby recommended for approval.

Conditions: (1)

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

0913_04 A Existing and Proposed Block Plan
0913_02 B Proposed Floor Plan and Elevations
All received 28/09/23

REASON: For the avoidance of doubt and in the interests of proper planning.