

West Area Planning Committee

10 September 2019

Application number: 18/02031/NMA

Decision due by 14 August 2019

Extension of time N/A

Proposal Non-Material Amendment to planning permission 18/02031/FUL to allow the adjustment of the position of the two permitted roof-light windows, the addition of a glazed light well onto the rear roofslope and the replacement of existing uPVC windows on the rear elevation with aluminium framed windows.

Site address 12 Earl Street, Oxford, OX2 0JA, – see **Appendix 1** for site plan

Ward Jericho And Osney Ward

Case officer Robert Fowler

Agent: Mr Gillick **Applicant:** Mr Mitchell

Reason at Committee The application is before the committee because the applicant is a Council member of staff. The report has been cleared by the Council's Monitoring Officer.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the non-material amendment application** for the reasons given in the report and confirm that the proposed changes to the approved development (18/02031/FUL) are acceptable as a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

2. EXECUTIVE SUMMARY

2.1. This report considers proposed changes to an approved single storey rear extension and two rooflights on the rear roofslope. The original planning approval (18/02031/FUL) was approved by the West Area Planning Committee on 11 September 2018. The application is made on the basis that the proposed changes would constitute a non-material amendment; as a result the proposed amendments are only considered in relation to whether or not they would vary significantly what has already been approved, would be acceptable and are wholly uncontroversial.

- 2.2. Officers consider the changes are very minor in nature, would not alter the proposed development significantly from what was approved, are acceptable in terms of their design and impact on neighbouring amenity and would not alter the volume of the proposed development. It is also considered that the changes could be carried out without the need for planning permission on the basis of permitted development. As a result it is considered that the proposed changes would constitute a non-material amendment and would be acceptable.
- 2.3. It is important to note that the application is not a planning application; it is effectively a technical planning matter and is seeking confirmation that changes to a development would be considered 'non-material' in planning terms. It is considered that the previous conditions that were imposed are sufficient and additional conditions are not required.

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.

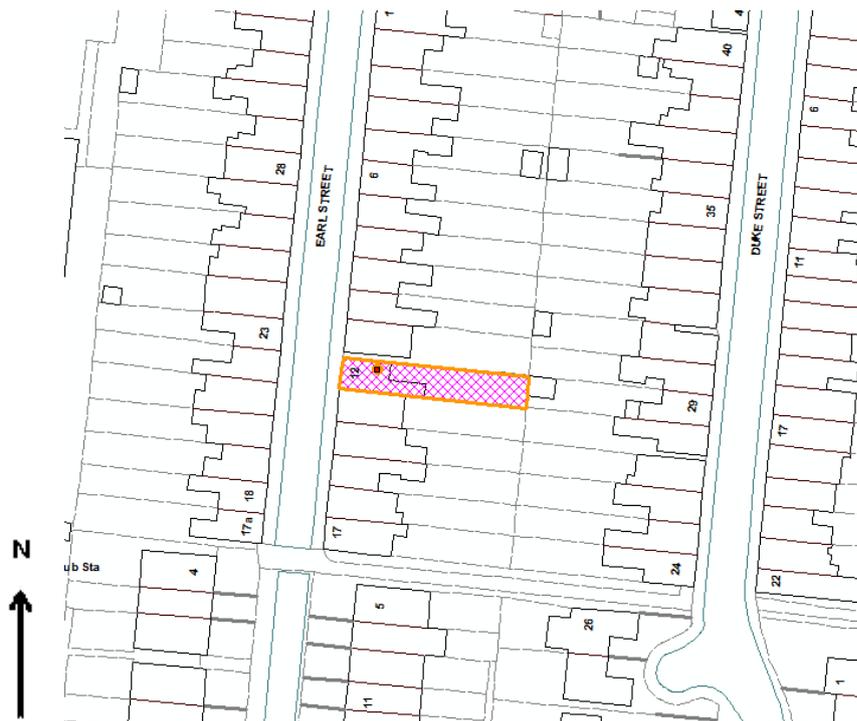
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The application site is an end of terrace period house on the eastern side of Earl Street off the Botley Road. Despite being close to the retail parks on Botley Road, Earl Street has a strong residential character of mainly brick or painted brick terrace houses. The application site is not in a Conservation Area and is not a listed building (and does not impact on the setting of any listed buildings).
- 5.2. The application property adjoins No. 13 Earl Street (and forms part of the terrace with No.s 13-17 Earl Street). There is an alley separating No. 12 and No. 11 Earl Street. The application property has recently been extended as part of the planning approval (18/02031/FUL) which includes a single storey flat roof extension and two rooflights on the main rear roofslope in conjunction with a loft conversion. An additional rooflight has been installed at the first floor roof level on the rear outrigger.
- 5.3. A more detailed description of the application site and the approved development (18/02031/FUL) is set out in the officer report for the original planning approval that can be found in **Appendix 2**.

5.4. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application is for a non-material amendment to the approved development (18/02031/FUL). The proposed changes to the approved plans include the following aspects:

- (i). Adjustment of the position of rooflights on the main rear roofslope; the rooflights on the proposed amended plans would be slightly larger.
- (ii). Addition of a glazed lightwell on the roofslope of the rear first floor outrigger. This aspect of the proposals did not feature in the original planning permission.
- (iii). The replacement of the original UPVC windows on the rear elevation with aluminium framed windows.

6.2. The planning permission (18/02031/FUL) has already been implemented and is substantially completed. The proposed changes to the approved plans reflect what has already been constructed on site.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

72/25391/A_H - Extension to form bathroom. PDV 8th February 1972.

18/02031/FUL - Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope. PER 18 September 2018.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	127 and 130	CP1, CP8 and CP10	CS18		
Natural environment				CS11	
Social and community				HP14	
Transport					Parking Standards SPD
Environmental					Energy Statement TAN
Miscellaneous		CP13		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. This type of application is not subject to public consultation as it is not a planning application. Officers have not received any comments or representations relating to the proposed changes.

10. ASSESSMENT

10.1. There are three aspects to the proposals; these will be dealt with in turn in the officer assessment below and each will be considered in terms of whether or not that change can be considered acceptable as a non-material amendment. It is important to note that the main aspect of the original planning permission, the rear extension, would not be altered by the proposed amendments. There would be no increased volume of development that would arise from the proposed amendments. There are also no changes proposed to the front of the property as a result of the amendments.

(i) Repositioning of rooflights on the main rear roofslope

- 10.2. Two rooflights were approved as part of the original planning permission (18/02031/FUL); providing light into new accommodation created in the loft. The change in the position of the rooflights and their slightly increased size is extremely minor and would not have any impact in design terms; contemporary glazed features can be found on nearby roofslopes (including large dormers and other rooflights). The changes to the position and size of the rooflights would also not impact on neighbouring amenity through an increased loss of privacy; similar rooflights were approved as part of the original grant of planning permission (18/02031/FUL). Any view from these rooflights would not provide any new views over neighbouring properties or increase overlooking beyond what is already possible from first floor windows; some mutual overlooking always exists from the rear of terraced properties. It is also important to note that the rooflights would not actually require planning permission as they could be installed as permitted development. As a result, this change is acceptable as a non-material amendment.

(ii) Addition of a glazed lightwell on the roofslope of the rear first floor outrigger

- 10.3. The original planning permission did not include a lightwell on the existing first floor outrigger but one is now proposed as part of the amendments being considered. The lightwell effectively is a fairly large rooflight inserted into the shallow roof of the first floor rear outrigger (and would provide additional head height in a first floor bathroom). In design terms this rooflight would not be out of place having had regard to the presence of similar contemporary glazed features found elsewhere on the rear aspect of the terrace. The shallow nature of the roofslope also means that the visual presence of the rooflight is minimised. The proposed insertion of this feature would not increase overlooking into neighbouring properties and any view from the rooflight would not provide any new views over neighbouring properties or increase overlooking beyond what is already possible from first floor windows. Officers note that the original planning permission did not include a rooflight in this location and this effectively therefore forms a new aspect to the proposals but because it could be built without planning permission on the basis of permitted development, is acceptable in terms of its design and its impact on neighbouring amenity it would be considered acceptable as a non-material amendment.

(iii) The replacement of the original UPVC windows on the rear elevation with aluminium framed windows.

- 10.4. The approved extension included new patio doors and a window at ground floor level to be constructed with metal frames. At the existing first floor of the property there were relatively chunky UPVC windows. When the planning permission (18/02031/FUL) for the extension and rooflights was implemented the windows at the first floor level were replaced with aluminium framed windows. The windows are a significant improvement in design terms and match the appearance of the new windows at ground floor level. The window openings themselves would not be materially larger or give rise to any

neighbouring impact. The change of these windows would not require planning permission and could have been carried out as permitted development. Offices therefore consider that this proposed change would be acceptable as a non-material amendment.

11. CONCLUSION

11.1. It is recommended that the Committee resolve to **approve the non-material amendment application** for the reasons given in the report and confirm that the proposed changes to the approved development (18/02031/FUL) are acceptable as a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

12. APPENDICES

- **Appendix 1** – Elevations (Originally Approved and Proposed Amendments) and Block Plan
- **Appendix 2** – Officer committee report (18/02031/FUL)

13. HUMAN RIGHTS ACT 1998

13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

14.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.