

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2015/2362/VAR
Location: 17 Kingsmead, Cuffley, Potters Bar, EN6 4AN
Proposal: Variation of condition 2 (drawings) on planning application S6/2014/0227/FP
Officer: Mr M Peacock

Recommendation: Granted

6/2015/2362/VAR

Context			
Application description	<p>This application seeks a variation of condition 2 (drawings) on planning application S6/2014/0227/FP which granted consent for the erection of single storey rear and side extension and first floor side and rear extension.</p> <p>The development is now largely complete and this application proposes to regularise a variation to eaves on north facing elevation - eaves raised by 200mm.</p>		
Constraints (as defined within WHDP 2005)	PAR - PARISH (NORTHAW AND CUFFLEY) ROW - FOOTPATH (NORTHAW 003) WARD - NORTHAW AND CUFFLEY		
Relevant planning history	<p>Application Number: S6/2014/0867/DS Decision: Granted Proposal: Approval of details reserved by condition 3 (crown roof details) of planning permission S6/2014/0227/FP</p> <p>Application Number: S6/2014/0227/FP Decision: Granted Proposal: Erection of single storey rear and side extension and first floor side and rear extension</p>		
Consultations			
Neighbour representations	Support:	Object:	Other:
Publicity			
Summary of neighbour responses	None		
Town / Parish representations	None		

Consultees and responses	<ol style="list-style-type: none"> 1. Jason Grocock 2. Councillor George Michaelides 3. Councillor John Nicholls
Relevant Policies	
NPPF D1 D2 GBSP1 GBSP2 M14 Others	
Main Issues	
Is the development within a conservation area?	
Yes No	
Would the significance of the designated heritage asset be conserved or enhanced?	
Yes No	
Comment (if applicable):	
Would the development reflect the character of the area?	
Yes No	
Comment (if applicable):	
Would the development reflect the character of the dwelling?	
Yes No N/A	
Comment (if applicable):	
Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)	
Yes No N/A	
Comment (if applicable):	
Would the development provide / retain sufficient parking?	
Yes No N/A	
Comment (if applicable):	
Any other issues	
<p>The Killian and Pretty review in 2008 recommended that <i>“Government should take steps to allow a more proportionate approach to minor material changes in development proposals after permission has been granted”</i>. This recommendation arose from concerns that in some cases new planning applications were being required where relatively small changes that were more than “non material” were being sought.</p> <p>The recommendation was that an existing process under s.73 of the Town and Country Planning Act 1990 to allow changes to the conditions applying to existing permissions should be streamlined. Section 73 allows applicants to apply to vary one or more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission varied or removed. Where a condition is attached which lists consented plans, applicants can apply to substitute new plans, in effect achieving an amendment to the original scheme. In determining an application under this section, officers have to have regard to the development plan and all other material considerations but the principle of development should not be re-assessed since that is not an issue in relation to the variation of the condition.</p> <p>There is no statutory definition of a minor material change but guidance given states that:</p> <p style="text-align: center;"><i>“A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved”</i>.</p> <p>The judgement on “materiality” in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. The extant planning consent is a material consideration. There have been no significant changes to the application site, surrounding context, planning history or policy which would impact on the implementation of this proposal in regards to raising new issues. The previous permission is still valid and therefore the alterations proposed are</p>	

considered in terms of the NPPF and Local Plan Policies.

Conclusion

The proposed amendment would not significantly impact upon any of the other material considerations that were relevant under the original application such as impact on character and appearance of the area, impact on the residential amenity of neighbouring occupiers and impact on parking.

Overall, the proposed amendments are considered to be non material as they would not result in a substantial departure from what was originally approved. The amended proposal is considered to be in accordance with the National Planning Policy Framework; Policies GPS1, D1, D2 and M14 of the Welwyn Hatfield District Plan 2005.

In relation to this scheme, a successful application to amend conditions results in the issue of what is in effect a new planning permission, but does not cancel the old permission. It is reasonable therefore that the current planning application should be subject to the same conditions as the previous planning application, S6/2014/0227/FP, whereby conditions were applied, as they remain in accordance with the tests set out in paragraph 206 of the NPPF. However, as an application for 'approval of details reserved by condition' has already been submitted and consequently the necessary details of the crown roof have already been agreed, condition 3 of the original permission is no longer required subject to the development being completed in accordance with the approved details.

Conditions:

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

PA.03A received and dated 23 November 2015 & PA.04B received and dated 23 February 2016.

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. The brickwork, roof tile, bond, mortar, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling/building in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Any upper floor window located within the wall forming the south facing side elevation of the dwellinghouse of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

1. REASON FOR APPROVAL

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Councils website or inspected at these offices).

Informatives:

Determined By:

Mr A Mangham
22 March 2016