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| **Delegated Report** | | | **Analysis sheet** | | | | | **Expiry Date:** | | | **21/05/2025** | |
| N/A / attached | | | | | **Consultation Expiry Date:** | | | N/A | |
| **Officer** | | | | | | | **Application Number(s)** | | | | | |
| Matt Kitchener | | | | | | | 2025/1734/P | | | | | |
| **Application Address** | | | | | | | **Drawing Numbers** | | | | | |
| 11 Steele’s Road  London  NW3 4SE | | | | | | | Please refer to draft decision notice | | | | | |
| **PO 3/4** | **Area Team Signature** | | | **C&UD** | | | **Authorised Officer Signature** | | | | | |
|  |  | | |  | | |  | | | | | |
| **Proposal(s)** | | | | | | | | | | | | |
| Installation of new railings and LED lights to the existing walls of the front entrance steps  to planning permission 2025/0590/P dated 25/3/25 for 'Resurfacing of external front entrance steps in York stone'. | | | | | | | | | | | | |
| **Recommendation(s):** | | **Refuse Non-Material Amendment application** | | | | | | | | | | |
| **Application Type:** | | **Non-Material Amendment** | | | | | | | | | | |
| **Conditions or**  **Reasons for Refusal:** | | **Refer to Draft Decision Notice** | | | | | | | | | | |
| **Informatives:** | |
| **Consultations** | | | | | | | | | | | | |
| **Adjoining Occupiers:** | |  | | |  | No. of responses | | | **00** | No. of objections | | **00** |
| **Summary of consultation responses:** | | N/A | | | | | | | | | | |
| **CAAC/Local groups comments:** | | None received | | | | | | | | | | |

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| **Site Description** |
| The application property is part of a terrace of semi-detached Victorian villas. The villas are three stories high, with a lower ground floor. Access to the front door is via a flight of steps. The building is not listed but is within the Eton conservation area and recognised as a positive contributor. |
| **Relevant History** |
| **2025/0590/P** - Resurfacing of external front entrance steps in York stone– **Granted 25/03/2025** |
| **Relevant policies** |
| This application is to determine whether the proposed alterations to the approved development are ‘non-material’ and hence can go ahead without the specific grant of planning permission from the local planning authority. An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.    The scheme can therefore only be assessed against the relevant planning legislation which is section 96a of the Town and Country Planning Act 1990.  The National Planning Policy Guidance notes: “*There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is nonmaterial in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990*”. |

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| **Assessment** |
| 1. **The proposal**     1. This application seeks permission to make the following amendments to planning permission: - 2. Installation of new railings on either side of the front steps and LED lighting within the existing walls of the entrance steps.   **Procedure**   * 1. The Town and Country Planning Act 1990, Section 96A(1) states that a local planning authority (LPA) may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. Section 96A(2) 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, on the planning permission as originally granted.  1. **Assessment – Whether the proposed works constitute non-material amendments to the original permission**     1. The proposal involves proposed amendments (installation of new railings and lighting to existing walls to entrance steps) to planning permission 2025/0590/P ‘resurfacing of external front entrance steps in York stone'.    2. It is considered that the installation of new railings and lighting to the existing walls to the entrance steps does not come within the principle of the description of the planning permission 2025/0590/P. It would introduce new features unrelated to the original planning permission. Materially different planning considerations would apply to this which were not previously considered under the original application, including siting, design and heritage. Full planning permission is required for these works and therefore this element of the proposal would not constitute a non-material amendment to the approved scheme.    3. In addition these proposed alterations cannot be considered as a s73 application as it would change the description of development. It is recommended that the proposal should be dealt with as a new stand-alone planning application.    4. To conclude the alterations would not come under the remit of the original planning permission and therefore this proposal is not considered as a non-material amendment to the original planning permission. 2. **Recommendation: Refuse non-material amendment:**   2.1 The proposed amendment to introduce new railings and LED lighting to the walls of the front steps would introduce a new feature unrelated to planning permission ref: 2025/0590/P (dated 25/03/2025) for which full planning permission is required. Materially different planning considerations would apply to this which were not previously considered under the original application, including siting, design and heritage which would require consultation with third parties. As such, the amendments are material in respect of the original approved scheme and would not constitute a non-material amendment.  2.2 The proposals would therefore not constitute non-material amendments to the approved scheme and the application is therefore refused. |