**APPEAL STATEMENT**

There is no statutory definition of what is ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material to grant an application under [section 96A of the Town and Country Planning Act 1990](http://www.legislation.gov.uk/ukpga/1990/8/section/96A).

As a rule, I consider amendments to be non-material if:

* There is no material impact on any neighbours or other statutory or non-statutory bodies, and the amended scheme would still fall within the description of development on the original decision notice and would still comply with the [development plan](https://www.lewisham.gov.uk/holdingarea/old-planning-april-2016/Planning-backup/policy/LDF/Pages/default.aspx). I consider the proposal complies.
* There is a reduction in size (in any dimension) and the design and appearance is not compromised. I consider the proposal complies where relevant.
* There is a reduction in the number and size or location of any openings, and this does not compromise the overall design and appearance, particularly in conservation areas. I consider the proposal complies where relevant.

I consider that the proposed amendments would not be non-material if:

* They would alter the nature or description of development. I consider the proposal complies.
* There would be an increase in size (by volume and/or height) to the extent where this would have a material impact on the design, external appearance and/or local amenity. I consider the proposal complies.
* There would be an increase in the number of openings, or a noticeable increase in size and/or the location of openings, which would affect the proposal’s external appearance or result in loss of privacy or amenity to neighbours. I consider the proposal complies.
* There would be a reduction in design quality owing to a loss of detail or lower quality materials that would affect visual amenity. I consider the proposal complies.
* The scheme becomes contrary to the [Development Plan](https://www.lewisham.gov.uk/holdingarea/old-planning-april-2016/Planning-backup/policy/LDF/Pages/default.aspx). It does not.
* It would conflict with any existing planning conditions. It does not.

In light of the above, I consider the proposal can be assessed based on S96A.

The decision letter states that the proposals would result in a *significant variation* and on this basis, it cannot be considered as a non-material amendment. The officer’s delegated report states the approved staircase *was such that it was largely concealed behind the high eastern boundary wall.*

In this respect, I draw attention to the approved staircase drawing number 5381-PL-13-04 and proposed staircase (already implemented) drawing number/14-1. It is clear there is little difference between the 2 staircases when viewed from the east. This will be evident at the site visit when the Inspector will be able to view the staircase from the residential development to the east.

The delegated report refers to Section 11 of CPG1 although this does not appear in the reason for refusal. In fact, the reason for refusal does not refer to any policy. Nevertheless, Section 11 of CPG1 refers to *Building services equipment.* Specifically heating, communications, plumbing, etc. It does not refer to staircase. In fact, Section 11 refers to the need for servicing equipment to be incorporated into the building, etc. Even if a staircase was considered building services equipment which it is not, the approved staircase is external; the same as what is now proposed.

Given the minimal difference between the approved and proposed staircases I consider the changes are non-material and therefore can be considered under S96A. Again, given the minimal differences I do not consider the proposed staircase will detrimentally impact on the area visually.

Furthermore, the positioning of the proposed staircase will reduce the potential for overlooking of the windows maisonettes 3 and 4 as shown on drawing number T-1-482-102.