

Delegated Report		Analysis sheet		Expiry Date:		11/12/2018	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Kate Henry				2018/4976/P			
Application Address				Drawing Numbers			
7 Lovridge Mews London NW6 2DP				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Alteration to entrance door positions, combine 2x rear dormers into a single dormer with sliding door, windows and doors at rear to be aluminium framed, as approved under planning permission 2018/0156/P, dated 12/07/2018							
Recommendation(s):		Refuse					
Application Type:		Non-Material Amendments					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		This type of application does not require any consultation to be undertaken.					
CAAC/Local groups comments:		N/A					

Site Description

7 Loveridge Mews is a two storey mews building, three bays wide, on the eastern side of the street. The building dates from the 1980s. Loveridge Mews is predominantly residential in character.

The building is not listed and it is not in a conservation area.

Relevant History

2018/0156/P - Change of use of a single dwelling house into two self-contained units, including the conversion of an integral garage into habitable accommodation, erection of a mansard roof extension, erection of a single-storey rear extension and creation of a rear roof terrace – **Granted Subject to a Section 106 Legal Agreement 12/07/2018.**

2015/1976/P - Conversion of dwellinghouse into 2 self-contained units, conversion of integral garage into habitable accommodation and erection of a mansard roof extension - **Granted Subject to a Section 106 Legal Agreement 24/11/2015.**

2012/0387/P - Renewal of planning permission granted on 16/01/09 (2008/3322/P) for change of use of a single dwellinghouse into two self-contained units, including the conversion of an integral garage into habitable accommodation and the erection of a mansard roof extension - **Granted Subject to a Section 106 Legal Agreement 12/04/2012.**

2008/3322/P - Change of use of a single dwellinghouse into two self-contained units, including the conversion of an integral garage into habitable accommodation and the erection of a mansard roof extension - **Granted Subject to a Section 106 Legal Agreement 16/01/2009.**

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 non-material 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*".

1. The proposal

1.1. This application seeks permission to make the following amendments to planning permission reference 2018/0156/P, dated 12/07/2018 (for: Change of use of a single dwelling house into two self-contained units, including the conversion of an integral garage into habitable accommodation, erection of a mansard roof extension, erection of a single-storey rear extension and creation of a rear roof terrace)

- Alteration to entrance door positions
- Combine 2x rear dormers into a single dormer with sliding door
- Windows and doors at rear to be aluminium framed

1.2. The applicant has applied to make the changes under Section 96 of The Town and Country Planning Act 1990 (a non-material amendment).

2. Procedure

2.1. 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.

3. Assessment – Whether the proposed works constitute non-material amendments to the original permission

Alteration to entrance door positions

3.1. The proposal to alter the position of the entrance doors, whereby they would be set back from the front building line in a recess represents a material change to the approved scheme because the change would significantly alter the character and appearance of the front of the building and the relationship between the building and the street.

Combine 2x rear dormers into a single dormer with sliding door

3.2. The proposal to combine the two separate rear dormer windows into one, large dormer window represents a material change to the approved scheme. This is because the changes would significantly alter the character and appearance of the rear elevation of the building, by virtue of the change in design, outward appearance and use of different materials

3.3. If the applicant was to apply for the roof changes under section 73 of the Town and Country Planning Act, the Council would be unlikely to grant permission as the proposal conflicts with Policy D1 (Design) of the Local Plan and CPG1: Design. Policy D1 seeks to secure high quality design in development and CPG1, which provides advice and information on how the Council will apply its planning policies, notes the following:

- *Alterations to, or the addition of, roof dormers should be sensitive changes which maintain the overall structure of the existing roof form*
- *In number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on the roof surface. They should generally be aligned with windows on the*

lower floors and be of a size that is clearly subordinate to the windows below.

- *Materials should complement the main building and the wider townscape and the use of traditional materials such as timber, lead and hanging tiles are preferred.*

3.4. With respect to the policy and guidance, the proposal to create one large dormer at the rear would not comply with the above guidance insofar as the resultant dormer would appear overly large and would thereby dominate the rear roof slope, rather than appearing subordinate; and it would fail to relate to the façade below. It is recognised that the proposed dormer would have areas of glazing which align with the fenestration on the lower floors; however, the guidance clearly states that dormers should appear as separate small projections on the roof surface and the proposed dormer would fail to do so. Furthermore, it is not considered that the angled timber vertical slats and the frosted glazing are appropriate to the host building, and these features further draw further attention to the proposed dormer window.

3.5. In any event the proposed alterations would materially alter the approved scheme and cannot be considered as non-material amendments.

Windows and doors at rear to be aluminium framed

3.6. The proposal for the rear dormer windows to be aluminium framed, as opposed to timber framed, represents a material change to the approved scheme. This is because aluminium framed windows have a different outward appearance to timber framed windows and thereby alter the overall character and appearance of the host building.

4. Conclusion and recommendation

4.1. The proposed changes are not considered to represent non-material amendments to the original permission. The application is therefore recommended for refusal on this basis.