

Windy Nook
Chorleywood Bottom
Rickmansworth
WD3 5JB

Development Management
5 Pancras Square
London
N1C 4AG

VIA PLANNING PORTAL

05 June 2020

Dear Mr Thuaire,

RE: The Water House– Section 96A of the Town and Country Planning Act 1990

On behalf of our client, Mr Lewis, we are pleased to submit a Section 96a (Non-Material Amendment) application.

Proposal

Planning permission was granted under ref: 2019/2584/P (30-10-19) for the installation of a new platform lift and associated alteration to the footpath, side fences and entrance gates to Fitzroy Park.

Following the grant of planning permission, during the installation of the lift, underground services were found within the original lift location. The platform lift has been positioned 1300mm west of its original position along the access lane from Fitzroy Park leading to the Water House. Furthermore, the size of the lift originally shown increased by 400mm as has the fencing panel next to the lift. This amendment is illustrated on the submitted plan for completeness. The proposed amendment is entirely within the demise of the Water House. No external alterations to the Fitzroy Park elevation is proposed.

Planning Analysis

Section 96A(4) of the Town and Country Planning Act (1990) allows Local Planning Authorities to make non material changes to planning permissions. The Act states that 'a Local Planning Authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material' and '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 under this section, on the planning permission as originally granted.'

Planning Practice Guidance advises that there is no statutory definition of 'non-material'. This is because it is dependent on the context of the overall scheme, what may be non material in one context may be material in another.

The proposed amendment is for a modest re-positioning of the platform lift along the lane and to reflect the size of the lift installed and the fencing panel (increase by 400mm). The change would not impact the consented design or the amenity of neighbouring properties. We consider the proposal to be Non-Material in the context of the approved scheme and we respectfully request permission is granted.

Please do not hesitate to contact us should you have queries relating to the Application.

Yours sincerely,

Zenab Haji-Ismael MRICS