OFFICER REPORT

Case No: 25/00982/S73 **Removal/Variation of Conditions**

Proposal: **Section 73 application for the variation of condition 2 (approved plans) to allow relocation of proposed ground floor door and proposed window to front extension of application 22/02022/HHFUL (Single storey rear extension and two storey front extension)**

Location: **14 Manor Road Stilton Peterborough**

Applicant: **Burgess**

Grid Ref: **516078 289447**

DESCRIPTION OF SITE AND APPLICATION

The application site is 14 Manor Road, Stilton. A two-storey semi-detached dwellinghouse located within a residential area of the village. There are no constraints associated with the site.

Permission was granted in November 2022 for the erection of a single storey rear extension and two-storey front extension.

This application seeks permission to vary condition 2 (approved plans) to make alterations to the location of the access door (moving it to the side) and addition of a window (in place of the approved door) to the front.

Officers have scrutinised the submitted details and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP11: Design Context
LP12: Design Implementation
LP14: Amenity

Huntingdonshire Design Guide Supplementary Planning Document (2017):

* Place Making Principles parts 3.7 Building Form and 3.8 Building Detailing.

RELEVANT PLANNING HISTORY

79/01759/FUL - Erection of a garage, 14 Manor Road (Permission)

80/01610/FUL - Erection of conservatory, 14 Manor Road (Permission)

22/02022/HHFUL - Single storey rear extension and two-storey front extension (Permission)

CONSULTATIONS

Stilton Parish Council recommend approval.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there are relevant conditions that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged".

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original consent. All conditions imposed in permission reference 22/02022/HHFUL will be repeated, apart from those to be varied or which have been discharged.

Condition 2 of permission reference 22/02022/HHFUL reads:

"The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above."

The main issues to consider in the determination of this application are:

*Design and Impact upon the character of the area

*Residential Amenity

*Design, impact upon the character of the area

Manor Road appears typical of a 1970s/1980s housing area. There is some variance in the scale and design of dwellings in the road and some have been extended over time. There are also examples of dwelling (including the attached dwelling) which have their main access door to the side. The proposed alterations remain consistent with the character of the area and in accordance with Policies LP11 and LP12 of the Local Plan to 2036.

*Residential Amenity

The proposed alterations (being at ground floor level and having regard to the relationship with adjacent dwellings and land will not have a detrimental impact on residential amenity and complies with Policy LP14 of the Local Plan to 2036.

CONCLUSION

The proposed development is compliant with the relevant national and local policy as:

*It is acceptable in terms of design and visual amenity;
*Would not cause adverse residential amenity impacts.

The proposed variation to condition 2 is considered relatively minor in relation to the wider scheme and will not fundamentally change the nature of the development given permission. It is therefore recommended that planning permission be granted.

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CONTACT OFFICER:
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