HUNTINGDONSHIRE DISTRICT COUNCIL

24/02054/S73

OFFICER REPORT

Case No: **24/02054/S73** **Removal/Variation of Conditions**

Proposal: **Removal of condition 3 (Materials) of 24/00466/HHFUL**

Location: **7 Deighton Close St Ives PE27 3JJ**

Applicant: **Mr Ben Chidzoy**

Grid Ref: **531588** **272301**

DESCRIPTION OF SITE AND APPLICATION
The application relates to a two storey semi-detached dwelling constructed with yellow brick with red brick features, brown roof tiles and white UPVC windows and doors. The site is situated in flood zone 1 and there are no designated heritage assets in the vicinity nor is the site within a Conservation Area. No protected trees are located within the vicinity of the application site.

This Section 73 application relates to application 24/00466/HHFUL which was granted householder permission for the erection of a single storey rear extension to provide additional space for a ground floor living room.

This application seeks to amend the wording of Conditions 3 (Materials) of 24/00466/HHFUL from a compliance condition to a compliance condition with an amended material palate.

NATIONAL GUIDANCE
The National Planning Policy Framework (12th 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 2023 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 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 - Part 3.1 Place Making Principles and 3.7 Building Form

Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY
24/00466/HHFUL- Single-story rear extension to provide additional lounge area (part retrospective)- Permitted 19.04.2024

CONSULTATIONS
Parish Council - No concerns raised and recommend approval.

REPRESENTATIONS
No representations have been received in support or objection to this application at the time of determination.

SUMMARY OF ISSUES

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".

Commented [AS1]: There's no such thing as a Minor Material Amendment anymore. Amendments to conditions can only relate to the condition requirements, it can't amend operative parts of a permission, such as through new buildings etc.

The main issues to be considered in the determination of this application are as follows: -
*Design and Visual Amenity
*Other Matters

*Design and Visual Amenity
Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

Condition 3 (Materials) was imposed on permission 24/00466/HHFUL in the interests of visual amenity and to ensure the rear extension permitted was in keeping with the external materials on the existing dwelling.

This application seeks to amend the wording of condition 3 (Materials) to a compliance condition with an amended material palate. In this amended scheme, the rear extension is constructed using red and buff brick, horizontal timber cladding and grey UPVC windows and doors.

Whilst the use of timber cladding is uncommon in the locality, given the extension is to the rear of the dwelling and unlikely to be viewed from the street scene, the proposed cladding is considered acceptable.

Whilst the front and side elevation of No.7 Deighton Close is constructed using white UPVC windows and doors, as the extension is located to the rear of the dwelling the grey UPVC windows and doors of the extension are hidden from public view and as such are considered acceptable.

Overall, the amended materials are considered to respond positively to its context within the surrounding built form and contributes positively to the areas character and identity. The proposal is therefore considered to accord with Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide (2017), the National Design Guide and the NPPF (2024).

*Other matters
If approved, an application under Section 73 of the Town and Country Planning Act 1990, in effect issues a new, separate, planning permission. Subsequently, the conditions applied to the previous permission to which this application relates must be reviewed against the conditions test set out in paragraph 57 of the NPPF 2024. Should the conditions pass the test they shall be included on any approval of this application.

The wording of condition 1 (time limit) imposed on 24/00466/HHFUL will be amended so to not extend the time within which the works must be started in accordance with Section 19(5) of the Town and Country Planning Act 1990.

The list of approved plans detailed and imposed on 24/00466/HHFUL (condition 2) will be replicated on this application under section 73 of the Town and Country Planning Act 1990,

The compliance condition imposed on 24/00466/HHFUL in regard to materials states 'The materials to be used in the external construction of the development, hereby permitted, shall be constructed in external materials to match the existing building in type, colour and texture'. This condition shall be amended to ensure compliance with red and buff brick, horizontal timber cladding and grey UPVC windows and doors.

Commented [AS2]: Can we also just include the confirmation the approved plans will also remain, for completeness.

*Conclusion
Having regard to national and local planning policies, and having taken all relevant material considerations into account, it is recommended the application should be approved for the proposed amendments. It is recommended that the wording of all conditions on the original application (24/00466/HHFUL) be replicated on this application under section 73 of the Town and Country Planning Act 1990,excluding conditions 1 and 3 which shall be amended as outlined above.

If you would like a translation of this document, a large text version or an audio version, please

CONTACT OFFICER:
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