OFFICER REPORT

Case No: 25/00291/S73 **Removal/Variation of Conditions**

Proposal: **Variation of Condition 2 (Approved Plans) to 22/02090/HHFUL to reflect a change to the proposed front porch/entrance hall, fenestration and to include the application of render to all garage elevations**

Location: **Sunnybrooke High Street Hilton**

Applicant: **Mr Chris Marsh**

Grid Ref: **529186 266414**

DESCRIPTION OF SITE AND APPLICATION

The application site is Sunnybrooke, a detached two storey dwellinghouse located in Hilton and within the Hilton Conservation Area. There are Listed Buildings in the locality but the closest is in excess of 75m away and these are not viewed in direct context with the site.
Permission was granted in December 2022 for the addition of a rear single storey extension, infill and extension to the existing front porch. Addition of a first-floor window to the front (south) elevation. Addition of a flue to the side (east) elevation. Alterations to external materials and alterations to the access drive, including a new access from the highway.

This application seeks permission to vary condition 2 (approved plans) to make alterations to the design of the porch/entrance, some minor amendments to the fenestration to the front, and the addition of render to all elevations of the existing garage. Some sections of the cladding on the front projection have also been omitted. It should be noted that this application does not include a variation of Condition 3 (materials) because under the original scheme the garage remained brick (as existing). Aside from the application of render (shown on the approved plans) to the garage, the materials have not altered from those approved under the original scheme and this condition shall be repeated.

Officers have scrutinised the submitted details and have familiarised themselves with the site and surrounding area.
During the lifetime of the application and with the agreement of the agent the description has been revised to reflect the changes to the fenestration. Given that this is a minor change (the details of which were clearly set out on the plans which were consulted upon) and that this does not significantly alter the scheme nor present any change which would impact upon residential amenity, on the balance of fairness further consultation on these changes was considered not to be necessary on this occasion.

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
LP34: Heritage Assets and their Settings

Hilton Village Design Statement (2000)

Huntingdonshire Design Guide Supplementary Planning Document (2017):

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

RELEVANT PLANNING HISTORY

8701590FUL - Extension to dwelling (Permission)

90/01005/FUL - Installation of second satellite dish (Permission)

22/01959/TRCA - Various tree works (Deemed Acceptance for TRCA)

22/02090/HHFUL - Rear single storey extension, infilling and extension to existing front porch. Additional first floor window to front (south) elevation. Addition of flue to side (east) elevation. Alterations to external materials. Alterations to access drive, including new access from highway. (Permission)

CONSULTATIONS

Hilton Parish Council recommend approval but repeat comments (made in the original scheme) that the access will require negotiation with them as it crosses Parish Council land.

Officer comments: This is noted but is a civil matter between the applicant and the Parish Council. Further, this application does not seek to make changes to the previously approved access and so is not under consideration under this application.

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 22/02090/HHFUL will be repeated, apart from those to be varied or which have been discharged.

Condition 2 of permission reference 22/02090/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, Impact upon the character of the area and heritage assets
*Residential Amenity

*Design, impact upon the character of the area and heritage assets

Sunnybrooke appears typical of a bespoke, 1970s detached dwellinghouse and the changes (already approved under the 2022 permission) sought to modernise its appearance and it was considered that it would sit comfortably within its plots and not appear at odds with the surrounding development which in itself is varied. The changes proposed are minor within the context of the approved scheme and would not result in alterations which would render the development harmful to the character or appearance of the area and so it remains in accordance with Policies LP11 and LP12 of the Local Plan to 2036.

As detailed in the preceding sections of this report, the site lies within the Hilton Conservation Area, there are Listed Buildings in the vicinity but the closest is in excess of 75m away and not viewed in direct context with the dwelling.

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 212 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

In this case, given the assessment above regarding the approved scheme alongside the varied age and design of the area and limited impact the changes will have on the appearance It is concluded that the development is acceptable with regard to its impact on the designated heritage assets and accord with Policy LP34 of the Local Plan to 2036, the provisions of the NPPF (2024) and the Planning (Listed Buildings and Conservation Areas Act) 1990.

*Residential Amenity

Whilst the scheme will result in an alteration to the height of the porch/entrance given that the overall scale remains minor alongside the separation to adjacent dwellings and land there are no concerns with regard to overbearing impacts, overshadowing or loss of light. The proposed relocation/altered scale of windows will not result in overlooking or loss of privacy given their location on the dwelling.

The scheme is acceptable in terms of 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;
*Is acceptable with regard to its impact on the designated heritage assets;
*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:
Enquiries about this report to **Kevin Simpson**