HUNTINGDONSHIRE DISTRICT COUNCIL

25/00309/S73

OFFICER REPORT

Case No: **25/00309/S73** **Removal/Variation of Conditions**

Proposal: **Variation of Condition 2 (Approved Plans) for 24/00302/HHFUL to replace the approved drawings with the amended drawings**

Location: **Oakwoods Sawpit Lane Hamerton**

Applicant: **Simon**

Grid Ref: **513430 279579**

DESCRIPTION OF SITE AND APPLICATION

This Section 73 application seeks approval for variation of condition 2 of planning permission 24/00302/HHFUL to allow for the removal of the two flues on the rear elevation and the installation of an external chimney stack, removal of ground floor windows on the approved extension and alterations to the rendering of the side elevation.

24/00302/HHFUL granted planning permission for the erection of a single storey rear extension, the erection of an oak framed front porch, the installation of two flues to the rear elevation and alterations to the existing property.

Amended plans have been received during the course of the application altering the design and location of the proposed chimney so that it forms part of the existing 2-storey house, rather than the single storey extension.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (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 May 2019

LP11: Design Context
LP12: Design Implementation
LP14: Amenity

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

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Strategic Flood Risk Assessment (2024)
Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Cambridgeshire Flood and Water SPD 2017
Annual Monitoring Review regarding housing land supply (2024)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities

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

PLANNING HISTORY

24/00302/HHFUL - Proposed extension and alteration to existing residential dwelling - Approved.

0700845FUL - Erection of conservatory - Approved.

0503067FUL - Extension to porch - Approved.

CONSULTATIONS

Huntingdonshire District Council's Environmental Health - No objections to the proposal.

REPRESENTATIONS

During the course of the application, one neighbouring property has objected to the proposed development. The objections raised have been summarised below:

- Visual impact of the chimney;
- Impact on neighbouring properties amenities (loss of light, air pollution)

Further comments have been received following the receipt of amended plans, still objecting but commenting as follows:-

Although preference would be not to have a chimney, find the amended drawing for a taller and slimmer chimney preferable to the original design.

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 is a relevant condition 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.

Under this Section 73 application, it is proposed to vary condition 2 to allow for the removal of the two flues on the rear elevation and the installation of an external chimney stack, removal of ground floor windows on the approved extension and alterations to the rendering of the side elevation.

Condition 2 of planning permission 24/00302/HHFUL secured the approved plans.

The main issue to consider in the determination of this application therefore is whether the amended scheme is acceptable in terms of:-

o Design and Visual Amenity
o Residential Amenity

*Design and Visual Amenity

Paragraph 140 of the National Planning Policy Framework (2024) states that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The proposed changes involve the replacement of the two, approved external flues on the rear elevation with an external chimney stack. The proposed chimney stack (as amended) would be of a matching style, design and height to that of the existing chimney and is considered to be more visually akin to the appearance of the existing property than the flues.

The alterations to the previously approved fenestration and rendering are considered to be de minimis and would not result in any visual impact on the approved development, nor the existing dwellinghouse.

As such, the proposed changes are considered to be acceptable from a design and visual impact perspective and the Local Planning Authority are satisfied that the approved development would not materially diminish as a result of the proposed changes. The proposal is therefore deemed to

be in accordance with Policies LP11 and LP12 of the adopted Huntingdonshire Local Plan to 2036 and Section 12 of the National Planning Policy Framework (2024).

*Residential Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

The closest neighbouring property that is most likely to be impacted upon as a result of the proposed changes is The Cotmanor, Sawpit Lane, Hamerton.

The proposed chimney stack would be located on the east side elevation that directly abuts the shared boundary to the neighbouring property of The Cotmanor. The chimney stack would measure a total height of 8.5m and a width of 0.6m. The chimney stack has been amended during the course of the application to reduce its size and relocate it further north along the property.

While it is noted that the proposed chimney stack would result in some impacts on the neighbouring properties amenities, following the receipt of amended plans, the Local Planning Authority are satisfied that the impacts would not be severe enough to warrant refusal of planning permission in this instance. Furthermore, the revised chimney stack is within the dimensions of what could be constructed under permitted development in accordance with The Town and Country Planning (General Permitted Development Order) (as amended) (2015).

It is also worth noting that the Council's Environmental Health raised no objections to the proposed chimney.

The alterations to the fenestration and rendering is not considered to result in any impacts on any neighbouring residential properties amenities.

Overall, taking these factors into account the development is considered acceptable in terms of overshadowing, overbearing impact, overlooking, loss of privacy, loss of light and would not have a significant impact upon residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 and Section 12 of the National Planning Policy Framework (2024) in this regard.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it is:

* Acceptable in terms of its visual impact;
* Acceptable in terms of impact on neighbouring properties amenities;
* There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that this Section 73 application be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:

Enquiries about this report to **Jennifer Wallis**