

27 September 2023

APP/23/00689

We object to this application on the ground that the proposed amendments are far too significant to be considered non-material. Our reasons are set out below.

We also note with concern that the description of the proposed amendments and the reason given for them at page 5 of the application form contain significant factual inaccuracies and hence give a misleading impression of what has been built and how. The new drawing numbers listed on page 5 are incorrect and there are several large differences between the drawings, which purport to show the development “as built”, and what actually exists on the ground. Accordingly, were the LPA to approve the application, the applicant would immediately be in breach of condition 2 that requires “the development hereby permitted shall be carried out in accordance with the following approved plans”.

As there is no statutory definition of what is or isn’t non-material, it is unfortunate that Havant Borough Council does not have a protocol to assist planning officers in their decision-making. We have therefore had to rely on guidance published online by other Councils in compiling this response. Fortunately, there are very many examples online and, although they are all slightly different, there is a high degree of commonality, which gives confidence that our conclusions are robust.

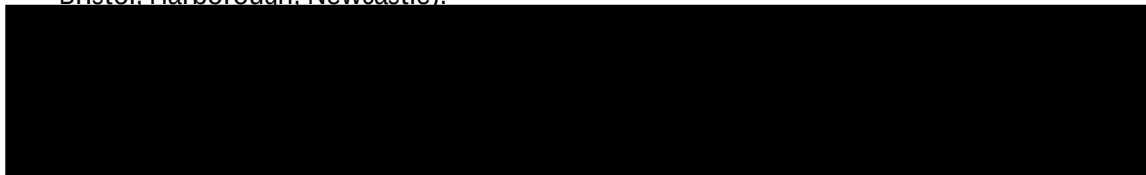
Reasons why the proposed amendments cannot be considered non-material

In order to be non-material the changes must be “very small” (Ref: Chartered Institute Of Building, Trafford Council). We believe that the changes proposed are far from small and will have a clear detrimental effect on the enjoyment of  neighbouring property. These material changes are listed below, referenced to the relevant guidance from various Councils.

1. The amendment significantly increases the size of the development. The floor area of the extension is increased by (on the applicant’s measurements) 7% and the area of the raised terrace is increased by 16% (Ref: Bristol, Harborough).
2. The amendment moves an external wall outwards more than the thickness of a wall. The thickness of a cavity wall is 250-300mm. The application acknowledges that the southern end wall of the development is being moved outwards by 450mm. (Ref: Trafford).
3. The amendment locates part of the development closer to a neighbour. The extension of the length of the building by (at least) 450mm and the extension of the raised terrace some 600mm beyond the end of the building are both in the direction of a neighbour and, in the latter case, have moved by over 1m. (Ref: Bristol, Harborough).
4. The amendment results in a change to ground level that would result in potential loss of privacy. The raised terrace is ~400mm above previous ground level and within millimetres of the boundary fence. It therefore reduces standard 1.8m high fence panels to an effective height of 1.4m, thus allowing a direct line of sight over the fence and into the habitable

rooms of the neighbouring property. This results in a complete absence of privacy whenever anyone is at the southern end of the terrace (Ref: Newcastle).

5. The amendment results in a change to the appearance of the building. The south elevation as built now looks radically different from the plans submitted with APP/22/00237 and, worryingly, is also completely different from the plans submitted with this application. The change is clearly adverse to the appearance of the structure (Ref: Bristol, Harbrough, Lewisham, North Somerset).
6. The amendment changes a window in a way that increases overlooking. The lengthening of the building brings the study window at least 450mm closer to the neighbouring property. Together with the increased floor height compared with the previous conservatory, demolished under APP/22/00237, overlooking is materially increased (Ref: Bristol, Harbrough, Lewisham, Newcastle).
7. The amendment would result in a greater visual intrusion and feeling of enclosure to neighbours. The bulk of the building's south elevation is now immediately adjacent to the boundary and represents an increase in visual intrusion. The amended roof line is significantly different from that approved under APP/22/00237 (and the as built roof line is totally different from both approved and new plans) and significantly increases the feeling of enclosure (Ref: Bristol, Harbrough, Lewisham).
8. There are relevant objections that would be compromised by the proposed amendment. An objection was raised to APP/22/00237 on the grounds of bulk and massing, and loss of privacy. These proposals clearly increase the detriment arising from those factors (Ref: Bristol, Harbrough, Newcastle).



The planning officer's report on the original application (APP/22/00237) noted the impact on [REDACTED] visual amenity due to the bulk and massing of the development and also [REDACTED] concerns about loss of privacy. He concluded that these concerns were valid but the impacts were not sufficiently great to recommend refusal. It will be apparent from above that the proposed amendment significantly increases the impacts of the development in these respects (and others), making the changes very material [REDACTED]

We request that the application be refused.

(Signed on original)



References:

CIOB - [Non-material amendment to planning permission - Designing Buildings](#)

Trafford Council - [Non-material amendments \(trafford.gov.uk\)](https://trafford.gov.uk)

Bristol City Council - [Small changes to planning permission \(non-material amendments\) \(bristol.gov.uk\)](https://bristol.gov.uk)

Harborough District Council - [Material and non-material amendments | Material and non-material amendments | Harborough District Council](#)

Newcastle City Council - [Protocol for Non-material amendments following a grant of planning permission | Newcastle City Council](#)

Lewisham Council - [Lewisham Council - Non-material amendments to planning applications](#)

North Somerset District Council - [Non-material amendments | North Somerset Council \(n-somerset.gov.uk\)](https://north-somerset.gov.uk)