

SECTION 73 OF THE TOWN AND COUNTRY PLANNING  
ACT 1990

PLANNING AND COMPULSORY PURCHASE ACT 2004

PLANNING ACT 2008

**PLANNING APPLICATION ON  
BEHALF OF: MR DAVID KENNY**

**Vary planning condition 2  
(plans), 3 (materials  
referencing Drawing No. PLHH-  
10 Rev. A) and 4 (balcony  
screen referencing Drawing  
No. PL-HH-11) imposed on  
22/03838/FUL**

**Modification of approved  
plans to vary internal layout,  
alter side extension, part  
enclose approved open  
balcony, fenestration  
alterations, canopy to front  
and provide air source heat  
pumps**

**SUPPORTING PLANNING  
STATEMENT**



Ref: PAL/4053

September 2023

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# 1 INTRODUCTION

## 1.1 PREAMBLE

- 1.1.1 Planning Angel Ltd (PAL) have been commissioned by Mr David Kenny to prepare a supporting Statement for to vary planning conditions 2 (plans), 3 (materials referencing Drawing No. PLHH-10 Rev. A) and 4 (balcony screen referencing Drawing No. PL-HH-11) imposed on 22/03838/FUL - existing permission for front alterations, rear and side demolition and single storey rear and side extensions.
- 1.1.2 Modification of approved plans to vary internal layout, alter side extension, part enclose approved open balcony, fenestration alterations, canopy to front and provide air source heat pumps, at 12 Upton Lane, Upton, Chester CH2 1EB.
- 1.1.3 Section 73 of the Town and Country Planning Act 1990, permits applications for 'minor material amendment' to planning permissions, allowing conditions associated with the existing permission to be varied or removed. This can be used to vary a condition that lists the drawings associated with the existing planning permission. This statement has been produced to outline the very minor design alterations for the proposed dwelling approved at this site.

## 2 PROPOSED CHANGES

### 2.1 EXISTING APPROVAL

2.1.1 The site is a residential property and has planning approval under application reference 22/03838/FUL which is the subject of this current application, which seeks approval for variation to condition 2,3 and 4 on the approval to modify the plan references listed due to design changes and structural engineering requirements.

### 2.2 PLANNING CONDITIONS OF PLANNING APPROVAL

#### Reference 22/03838/FUL

2.2.1 Condition 2. The development hereby permitted shall be carried out in accordance with the following approved plans:

PL-HH-01

PL-HH-07

PL-HH-08

PL-HH-09

PL-HH-10 Rev. A

PL-HH-11

Reason - For the avoidance of doubt and in the interests of proper planning.

2.2.2 Condition 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the application form and approved plans (Drawing No. PLHH-10 Rev. A).

Reason - To ensure that the external appearance of the development is appropriate to its surroundings.

2.2.3 Condition 4. The balcony hereby approved shall not be brought into use until the privacy screens shown on approved drawing PL-HH-11 are installed in full accordance with the prescribed details. The screens shall be retained in the form described on the approved drawing permanently thereafter.

Reason: To mitigate residential amenity impacts and ensure privacy.

## 2.3 THE PROPOSAL

2.3.1 The proposal is to amend the alterations to the dwelling approved under 22/03838/FUL – the permission is extant.

2.3.2 The details of the proposed amendments are: -

i) The height of the building remains unchanged

ii) The material finish of the building remains unchanged

iii) The positioning on site remains unchanged

iv) The footprint of the side extension will be enlarged by 1m to the rear

v) Air source heat pumps will be positioned to rear of side extension

vi) Side extension: Garage door replaced by a window, high level window inserted to side, rooflights inserted, and window removed from rear of side extension

vii) Canopy installed above front door on front elevation

viii) Rear elevation: first floor dressing room window inserted and additional rooflight above, open balcony reduced in size and enclosed element incorporated into bedroom, rooflights located between solar panels inserted to serve master bedroom

ix) One large roof light instead of three smaller rooflights on rear extension

## 2.3.3 ASSESSMENT

2.3.4 When assessing the details submitted, the proposed amendments are considered to be of a Minor Material Amendment nature and are considered not to vary significantly from what was described on the original planning permission. The proposed changes will have no significant material impact having regards to the following:

2.3.5 The proposed works do not significantly increase the dwellings size.

2.3.6 The changes to windows or other openings do not impact on neighbouring properties. The positioning of windows on each of the elevations are reflective of where the extant permission has already deemed it appropriate. The positioning of windows respect the separation distances stipulated in the Council's Supplementary Planning Documents and accord with Local Plan policies.

2.3.7 The changes do not merit the alteration of the description of development.

- 2.3.8 There is no change to the application site area.
- 2.3.9 There is no significant alterations to design or the siting of the proposals.
- 2.3.10 The original application did not generate any objections. Thus, the principle or details of the proposed works did not generate any concerns from neighbouring properties. The proposed changes therefore would not affect objections to the original proposal, as there weren't any.

### 3 POLICY ISSUES

#### 3.1 SUMMARY

3.1.1 As this is a minor material amendment application the primary policy issues have already been addressed previously when considering the planning permission.

3.1.2 There is nothing in this variation that would go contrary to that assessment.

## 4 CONCLUSION

### 4.1 SUMMARY

4.1.1 There is no statutory definition of what 'minor material amendment' means, instead local authorities are responsible for deciding, given the local context in each case. However, the government suggests that 'minor material amendments' are 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.

4.1.2 The proposed alterations are considered acceptable for the following reasons:

The site boundary is not changed

The siting, landscape, scale, and height is not significantly changed

The use is not changed.

The appearance is not adversely affected.

The change is compliant with local planning policy.

Changes to windows or other openings do not impact on neighbouring properties.

The interests of parties consulted about the original application are not disadvantaged.

4.1.3 We therefore respectfully request that the conditions be amended to reflect the drawing numbers of the amended plans submitted for approval, and this application is granted without delay.