

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133235/NMC/2022

Date registered valid: 29 March 2022

Proposal: Non-material amendment to planning approval reference 114304/FH/2016 to amend the design of the balustrade to rear roof terrace

Address: 11 Egerton Road North, Manchester, M21 0SE

Ward(s): Chorlton Ward

Applicant: Dr Tanya Beaumont, 11 Egerton Road North, Manchester, M21 0SE

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 26.04.2022

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non required for this type of application

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

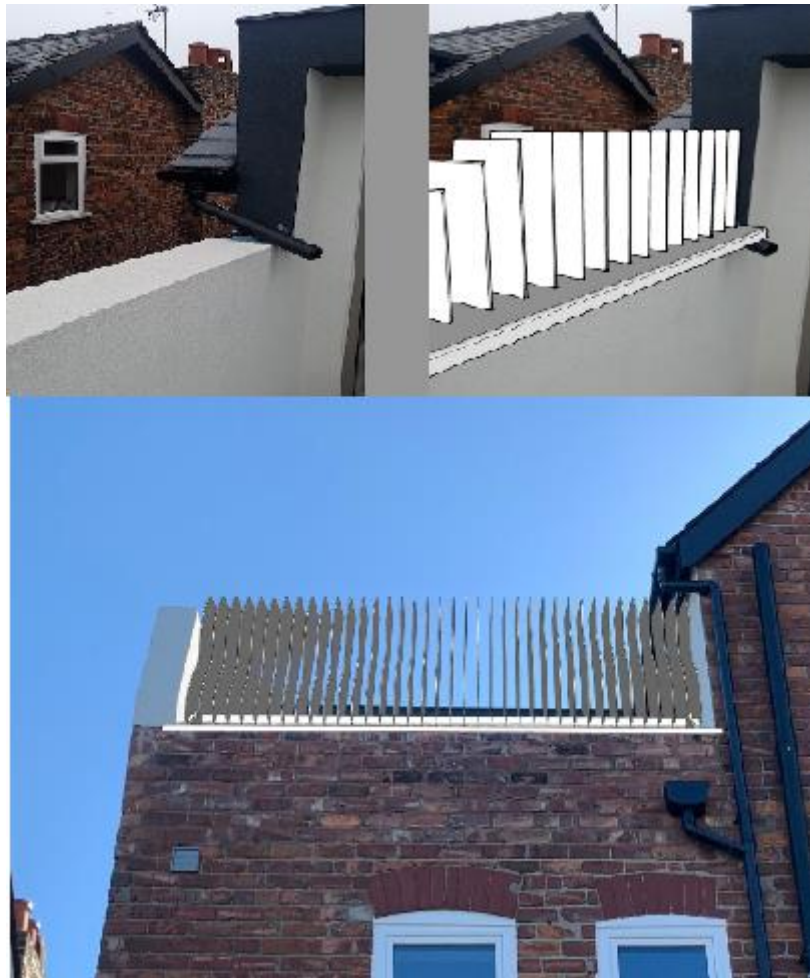
Tree Preservation Order: Not applicable

Description of application site

The application site relates to a traditional detached part two, part three-storey house situated on a corner plot.

Description of proposal

Planning permission was granted for the installation of replacement front dormer and creation of rear roof terrace following removal of existing rear dormer under planning reference 114304/FH/2016. A majority of the works to form the terrace have been undertaken.



Proposed fin balustrade and privacy screen



Approved balustrade and privacy screen arrangement

The current non-material amendment application seeks changes to the finish to the balustrade and privacy screen to the external terrace from that detailed within the planning permission through the use of directional vertical fins in lieu of horizontal balustrade to the terrace and a laser cut metal screen infill panels to the side of the terrace facing towards number 13 Egerton Road North. The full details of the balustrade and privacy screen are of a design consisting of vertical steel plates which will be powder coated (pale grey satin finish) and fixed to steel stanchions which are built into the rendered brick base wall. These will be secured with 90mm spacers along the lower edge and cantilevered vertically (height 11000mm as per building regs).

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The application proposals are for changes to the finish of the balustrade and privacy screen to the external terrace. Overall it is considered that the proposed revisions are of a minor nature and would have no more impact upon either visual or residential amenity than the approved scheme. The amendments would still accord with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework (NPPF) and saved policy DC1 of the UDP.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: APPROVE

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed amendments relate to changes to the finish to the balustrade and privacy screen to the external terrace from that detailed within the planning permission through the use of directional vertical fins.

2) Following an assessment of the details submitted, the Council can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no significant material impact upon the appearance on the development within the street. It is also considered that the proposals would not have any impact on the amenity of any existing or future residential properties or on the visual amenity of the wider local area.

Amended Conditions

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Proposed section, 2nd floor plan, proposed elevation to Egerton Road North 1049 05 Rev A, stamped as received 26th October 2016;

Proposed elevations and roof plan 1049 05 rev A, stamped as received 26th October 2016;

Proposed site context drawing 1049 06 stamped as received 26th October 2016.

The balustrade and privacy screen as detailed within the submitted drawings and visualisations received by the City Council as local planning authority on the 17th and 29th March 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

4) Prior to first use of the roof terrace hereby approved, the balustrade and privacy screen as detailed within the submitted drawings and visualisations received by the City Council as local planning authority on the 17th and 29th March 2022 shall be installed and be retained in perpetuity.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies DM1, and SP1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Area Team Boundary - Name: SOUTH