

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133291/NMC/2022

Date registered valid: 22 March 2022

Proposal: Non-Material Change to planning permission 129509/FH/2021 to allow changes to the side elevation window sizes and positions

Address: 9 Abberton Road, Manchester, M20 1HQ

Ward(s): Old Moat Ward

Applicant: Mr Nazir Mohammad Khan, 9 Abberton Road, Manchester, M20 1HQ

Agent (if any): Mr Zach Thorp, Thorp Design Services, 2 Chatton Close, Bury, BL8 2UE

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

Recommendation: Approve

Date of recommendation: 28 March 2022

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: None 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 area

The property is a two storey red brick double bay fronted detached property located on the junction of Abberton and Albemarle Road. The dwelling house has been extended to the side and rear in the form of single storey extensions, there is a small dormer in the rear roof and enclosed centrally located porch to the front facing Abberton Road. The property benefits from a detached single storey garage in the rear garden and driveway accessed from Albemarle Road.

Description of development

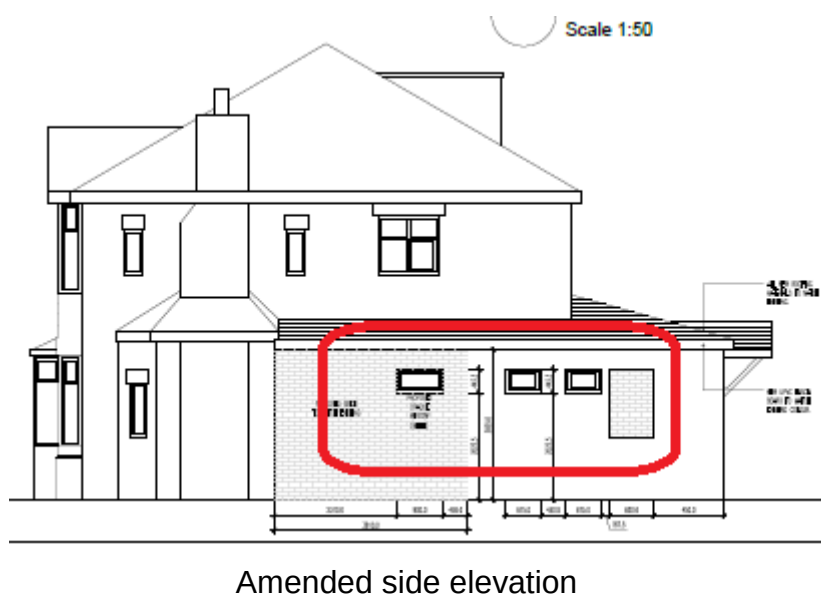
Planning approval reference 129509/FH/2021 was granted for the enlargement of the ground floor side extension facing Albemarle Road and infill the rear existing extension towards the boundary with number Abberton Road. The proposals were all single storey with proposed materials to match the existing.

Issues

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 amendments proposed are the reduction in size of existing and proposed side windows, the windows would be high level and face towards Albemarle Avenue.



Following assessment of the amendments proposed it is considered that these are non-material in nature and as such the changes will not materially alter the originally approved scheme and are therefore considered to be non-material.

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

PARA 1) The proposed amendments relate to the side elevation window sizes and positions.

PARA 2) Following an assessment of the details submitted, the City 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 are minor in nature and would not have a significant material impact upon the overall design and external appearance of the previously approved development. It is also considered that the proposals would not have any impact on the visual amenity of the wider area.

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

ZT20-196-03 'proposed site plan' received on the 24th February 2021

ZT20-196-04 'proposed plans and elevations' received on the 22nd 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.

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH