

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132852/NMC/2022
Date registered valid: 7 February 2022
Proposal: Non Material Amendment to planning permission 127732/FO/2020 to allow alteration to the materials to the rear dormer
Address: 48 Overlea Drive, Manchester, M19 1QU
Ward(s): Burnage Ward

Applicant: Mr Soreen Billbas 48 Overlea Drive, Manchester, M19 1QU
Agent (if any): Mr Soreen Billbas 48 Overlea Drive, Manchester, M19 1QU
Case officer: Linda Marciniak
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Recommendation: Refuse
Date of recommendation: 28 February 2022



Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: None for NMC

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site/building

The application site is the side garden (285sqm) to the west of No.48 Overlea Drive which has a conservatory attached to the extended dwelling. The land is situated close to the junction of 3 highways; Overlea Drive to the north, Barnfield Road to the east and Southholme Gardens to the south-west.

The garden is flat, laid to lawn and is bounded by tall conifers to the west and south and shrubs to the north fronting Overlea Drive.

In addition to the house to the east and road frontage to the north, the garden shares a boundary with landscaped amenity land to the west on the corner of Southholme Gardens, and the garden of 1-3 Southholme Gardens to the south. Similar landscaping or landscaped parking areas are found on the opposite corners to the site.



Dwellings in Overlea Drive comprise of 2-storey inter-war, garden-fronted semi-detached or quasi-semi houses of traditional construction. The materials palette within the local area

comprises of red-brown brick elevations with hipped slate or grey concrete interlocking tile roofs. A number of houses have solar PV panels on the front roof slopes.

All dwellings have gardens at the front and rear bounded by either privet hedging or low timber panel and post fencing, and off-road parking either in-curtilage or in dedicated landscaped parking plots which are remote from the dwellings.

Description of area

The site is approximately 304 metres east of the A34 Kingsway which gives access to local shopping at Green End Road to the north and shopping, schools and entertainment opportunities at Parrswood to the south.

Description of development

Non-Material Amendment to planning permission 127732/FO/2020 to allow alteration to the materials to the rear dormer.

The above application approved the dormer with facing brick and tiles to match the existing.

The present application seeks to amend this by replacing the dormer face and cheeks with timber cladding. The roof tiles are proposed to be retained as approved.

It is noted that the design of the rear roof profile of the new dwelling is also proposed to be amended from a pitched to a hipped profile with more of the rear elevation wall built up to the ridge. The description of the proposal has therefore been amended to reflect this additional amendment.

Consultations & Notification Responses

None for NMC application

Issues

The updated NPPF was revised in 2021. The NPPF replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government and the NPPF 2012. The NPPF is therefore a material planning consideration in the determination of planning applications.

The NPPF maintains the emphasis on sustainable development found in the 2012 Framework with a greater emphasis on making efficient use of land to achieve sustainable objectives.

Chapter 2 of the 2021 Framework, 'Achieving sustainable development' states that *Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area [...]* (Paragraph 9) with an emphasis on a presumption in favour of sustainable development (Paragraph 11). This paragraph provides further clarification on the meaning of sustainable development which, for decision-making means:

Approving development proposals that accord with an up-to-date development plan without delay; or

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy")

The Core Strategy was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

This policy states that priority will be given to the creation of neighbourhoods of choice outside of the regional centre. In particular, developments which make a positive contribution and enhance areas for residents will be supported.

Policy DM1- Development Management

Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Principle

The amended proposal relates to two areas of the original approved dwelling which affect its appearance and impact on residential amenity.

The materials alteration to the dormer was negotiated out of the original application on the basis of the impact on the character of the dwelling and wider street scene, and the amended rear elevation taking the wall up to the ridge was discouraged in pre-application guidance for its overbearing impact on neighbouring occupiers.

The proposals are also of a scale and level of change that is assessed as being material to the original. On this basis, the application fails to represent changes that are non-material and is therefore recommended for refusal.

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.

For the purposes of this application, permission was originally granted for an attached 2-storey dwelling house with 2no. dual-pitched roof dormers to the side roof slope.

Drawing T-0123-1-0210-Elevations of the original application, shows the approved dormer face and cheek materials as facing brick. This material was negotiated during assessment to remove

the timber cladding as originally sought. The present application seeks to revert to timber cladding for the dormer face and cheeks. On the basis of its incongruous appearance against the clay tile main roof and long-range views in the street scene, the proposed amendment is considered to be material to assessment of the proposal.

Furthermore, the above proposed elevation drawing also shows an amendment to the rear elevation roof profile which has altered the approved design and pitch. The proposal introduces a much greater expanse of brick close to the boundary with Nos1-3 Southolme Gardens, which may impact on the amenity of the occupiers due to being perceived as overbearing.

As such, an application to vary the approved plans would be required and the present application must be refused due to the material nature of the proposed amendments.

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: Refused

Article 35 Declaration

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

Paragraph 1

The proposed amendments relate to amendments to the dormer materials. It is also noted that the design of the rear roof has been altered from that previously approved.

Paragraph 2

Following an assessment of the details submitted, the City Council as local planning authority can confirm that the proposed amendments are not considered to be of a non-material nature. This is due to the change in dormer materials which will have an impact on the visual amenities of the area as well as on the character and appearance of the dwelling as a result of the long-ranging views along Overlea Drive. It is also noted that the design of the rear roof has been altered from the plans approved under application 127732/FO/2020 and that this may have an

impact on the amenity of neighbouring occupiers. As such, the proposal has impacts which require further notification of neighbouring properties.

Given the difference between the approved plans and those now proposed, I can confirm that the proposals cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

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