

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132030/NMC/2021

Date registered valid: 25 October 2021

Proposal: Non Materials Amendment to planning permission 124200/FH/2019 to change the roof on the ground floor to a mono-pitch gable on the east elevation from a hipped end with associated addition of a roof window and insertion of an obscure glazed window to the ground floor west elevation

Address: 15 St Werburghs Road, Manchester, M21 0TL

Ward(s): Chorlton Park Ward

Applicant: Victoria Rowley, Adam Cheetham, 15 St Werburghs Road, Manchester, M21 0TL

Agent (if any): Mrs Magdalena Haener, Pride Road Manchester South, 110 Great Stone Road, Manchester, M16 0HD

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 22 November 2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Not required

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

The application relates to a two storey semi-detached C3 dwellinghouse of red brick with white render at first floor and a hipped roof. The property features a recently-built two storey side and single storey rear extension (124200/FH/2019). The rear gardens of properties 1, 3, and 5 Badminton Road border this property on its south side. The plot includes a driveway and front and rear gardens.

Description of area

St Werburghs Road is residential in nature and characterised by similar red brick and white render family homes with gardens. The area benefits from being within walking distance of Chorlton District Centre and metrolink stop.

Description of development

The applicant seeks to make several changes to the approved design, which has already been built. These changes include to change the roof on the ground floor to a mono-pitch gable on the east elevation from a hipped end with associated addition of a roof window and insertion of an obscure glazed window to the ground floor west elevation.

Consultations & Notification Responses

None for this type of application.

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 relates to an approval for a first floor side and single storey rear extension to form additional living accommodation for a C3 dwellinghouse (124200/FH/2019). The current application seeks a non-material amendment to the permission, and involves the following amendments:

- Replacement of hipped roof to the north side of the single storey rear element with a mono-pitched roof.
- An additional rooflight in the single storey rear element.
- An additional obscurely glazed window at ground floor in the south elevation of the side extension.

The addition of an extra rooflight within the rear roof and the addition of a small obscurely glazed window in the side elevation at ground floor are both considered non-material, however the increase in roof height at the rear is considered to be material due to the potential impacts upon the adjoining semi, No.13. This is because the original hipped design had an eaves height of 2.3m and a ridge height of 3.2m, with the highest point sited 1.1m from the boundary. The new design has a height of 2.6m to eaves and 3.6m to the ridge, with the highest point sited just 0.1m from boundary. This increase in height in close proximity to the boundary is likely to have some impact on the light entering No.13's rear windows and garden due to the orientation directly south of this neighbour. For this reason it is considered that a new planning application or variation of condition application will need to be submitted to enable consultation with the neighbours and a detailed assessment of the revisions to be undertaken.

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: Refuse

Reasons for recommendation to refuse

The proposed amendments relate to changes to the single storey rear extension and two storey side extension, including a mono-pitched roof over the rear element with additional rooflight and an additional obscurely glazed window to the side elevation.

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be a material change. The City Council is not satisfied that the proposed changes would not have an impact upon the character of the building, the residential amenity of nearby occupiers or upon the visual appearance of the area. As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

Appendix 1 – List of consultees & neighbours notified

None

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