

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131517/NMC/2021
Date registered valid: 3 September 2021
Proposal: Non-Material Amendment to planning permission 130265/FH/2021 to allow the gable wall to form the side wall of the dormer
Address: 76 Brooklawn Drive, Manchester, M20 3GZ
Ward(s): Didsbury East Ward

Applicant: Mr Ben Galbraith, 76 Brooklawn Drive, Manchester, M20 3GZ
Agent (if any): Ian Grainger, Blu Room Architecture, 5 Uplands Road, Darlington, DL3 7SZ
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 28th September



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

This site relates to a two storey semi detached property in the Didsbury East Ward area of Manchester. The property has typical bay windows as reflected in this area and hipped roofs although some have undergone changes from hip to gable with rear dormer windows. The front has a recessed porch with arch entrance. Gardens are to the front and rear with off road car parking provided on the front drive.



Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in nature which contains mostly two storey semi-detached dwellings, although there are examples of detached dwelling houses.

Description of development

Permission is now sought under this Section 96A application for a non-material change to this previously approved development (130265/FH/2021). It is now proposed to allow the gable wall to form the side wall of the dormer.

Consultations & Notification Responses

No consultations or neighbour notifications were carried out for this non material change application.

Policy and Issues

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 - Spatial Principles

DM1 - Development Management 1

The relevant UDP saved policy for this application is:

DC1 Residential Extensions

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 hip to gable loft conversion with rear dormer and erection of single storey side and rear extension to form additional living accommodation. (130265/FH/2021).

The current application seeks a non-material amendment to the permission and involves amendments to allow the gable wall to form the side wall of the dormer.

The works would result in a change of appearance of the property to the side elevation affecting properties facing the site which need to be subject to consultation with these properties. For these reasons it is considered that a planning application will have to be submitted to enable consultation and a detailed assessment of the revisions to be undertaken and that the works go beyond what can be considered as a non-material change.

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

Article 35 Declaration

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

The proposed amendment relates to a minor change to allow the gable wall to form the side wall of the dormer

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 a significant impact upon the amenity of nearby occupiers. 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

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 (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH