

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131549/NMC/2021

Date registered valid: 1 September 2021

Proposal: Non material amendment application to planning approval reference 124305/FH/2019 to allow for a change to the roof profile at the rear of the approved extension and changes to rear glazing

Address: 69 Oswald Road, Manchester, M21 9QD

Ward(s): Chorlton Ward

Applicant: Ms Willcocks, 69 Oswald Road, Manchester, M21 9QD

Agent (if any): Mr Simon Casey, BlueChip Architecture Ltd, 18 Botany Road, Manchester, M30 8JS

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

Recommendation: Refuse

Date of recommendation: 28 September 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 dwellinghouse of red brickwork painted white, with a hipped roof, a single storey outrigger to the rear and an existing porch extension to the front. The property features a front garden, driveway to the side and a rear garden, all with established boundary treatment.

Description of area

Oswald Road is mainly residential in nature, but also features a primary school at each end and a small off-licence, a deli/café and a computer repair shop located sporadically. The area consists mostly red brick semi-detached and terraced houses of two stories and benefits from its proximity to Chorlton District Centre.

Description of development

The applicant gained planning permission in 2019 (124305/FH/2019) to build a single storey side and rear wrap around extension to provide additional living accommodation. They now wish to make elevational alterations to the rear elevation and roof of the extension which they deemed non-material.

Consultations & Notification Responses

None required for this type of application.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Policy DC1 - Residential Extensions

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2021):

- Chapter 12 – Achieving well designed places

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

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 single storey side and rear extension to form additional living accommodation for a C3 dwellinghouse (124305/FH/2019). The current application seeks a non-material amendment to the permission, and involves the following amendments:

- A dual-pitched roof with rear glazed gable to replace the mono-pitched roof at the rear of the extension - This entails an increase in height from 3.54m to 3.9m.
- A wide set of bi-folding doors within the rear elevation of the extension, instead of two smaller sets of French doors.
- 7 rooflights within the extension roof, instead of 5.

The change in glazing within the rear elevation and roof is considered non-material, however the 0.56m increase in roof height at the rear is considered to be material due to the potential impacts upon the adjacent neighbours. For this reason it is considered that a new planning application or variation of condition application will have 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 extension, including a dual-pitched roof over the rear element, additional rooflights and additional glazing to the rear 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) -
Area Team Boundary - Name: SOUTH