

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130735/NMC/2021

Date registered valid: 22 June 2021

Proposal: Non material Amendment to planning permission 127229/FH/2020 for the erection of a first floor rear extension to form additional living accommodation

Address: 36 Holland Road, Manchester, M8 4NQ

Ward(s): Crumpsall Ward

Applicant: Mr M. Khalid 36 Holland Road, Manchester, M8 4NQ

Agent (if any): Mr M. Amjad 07722432673 77 Fields New Road, Oldham, OL9 8BT

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 28 June 2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

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:

Tree Preservation Order:

Description of Site/Area

The application site relates to a two storey brick built semidetached dwellinghouse located in the Crumpsall ward of North Manchester. The property benefits from a large rear garden and off-street parking to the front.

Description of Development

The proposal is a non-material Amendment application to planning permission 127229/FH/2020 for the erection of a first-floor rear extension to form additional living accommodation. The proposed first floor element of the rear extension would be significantly larger and bring built form closer to the shared boundary with no. 38 Holland Road.

Consultations & Notification Responses

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

Issues

Policies

The relevant Core Strategy policies for this application are:

- 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 changes proposed are considered to be material, for this reason it is considered that a planning 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

Article 35 Declaration

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

1) The proposed amendments relate to a change to allow the increase in size of the first floor rear extension to bring this closer to the boundary with no. 38 Holland Road.

2) 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

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1