

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130300/NMC/2021

Date registered valid: 6 May 2021

Proposal: Non-material amendment application to planning permission reference 124822/FH/2019 to introduce windows on the rear side of the property, roof light and doors to the study room and elevation alterations to existing window on the front of the house

Address: 82 Egerton Road South, Manchester, M21 0ZH

Ward(s): Chorlton Park Ward

Applicant: Miss Amarna Ramzan 82 Egerton Road South, Manchester, M21 0ZH

Agent (if any):

Case officer: Robert Tyrer
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Email: robert.tyrer@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 3 June 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

The application site relates to a two storey semi-detached dwellinghouse comprising of predominantly brick with the exception of the first floor front which has been rendered. The property has a hipped roof with concrete roof tiles.

The site occupies the corner of Egerton Road South and Chatburn Road and benefits from a large linear rear garden and off road parking at both the front and rear of the property.

The property has previously been extended with a single storey side extension approved under planning reference: 078362/FH/2006/S1.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The area is residential in nature comprising semi-detached properties arranged in a type of grid pattern roads underline by a crescent shaped highway that runs east to west.

Description of development

Non-material amendment application to planning permission reference 124822/FH/2019 to introduce windows on the rear side of the property, roof light and doors to the study room and elevation alterations to existing window on the front of the house

Consultations & Notification Responses

None Required

Issues

Local Policy

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** policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

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.

Planning permission was granted under planning reference: 124822/FH/2019 to allow the erection of a 2-storey side extension, a part single/part 2 storey rear extension and a hip to gable roof extension with associated rear dormer

The applicant seeks to make a non-material change to allow the introduction of windows on the rear side of the property, roof light and doors to the study room and elevation alterations to existing window on the front of the house.

The proposed changes would not affect the size, bulk, height, footprint or position of the building, nor would they result in any change to its description. In addition, the proposed windows to the front and rear are also in similar positions to those approved under the original planning permission. The proposed ground floor side windows would not result in overlooking or the perception of overlooking on the neighbouring properties. However, the same cannot be said at first floor where there is the potential for either actual or perception of overlooking that needs to be considered in a full application.

The works if approved would result in a change of appearance of the property and therefore the works go beyond what can be considered as a non-material change. Furthermore, the changes proposed are close to the boundaries of neighbouring residential properties and need to be subject to consultation with these properties.

Lastly the proposal also includes changes to the existing porch and the single storey ground floor extension that were not approved or considered under the last planning approval.

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.

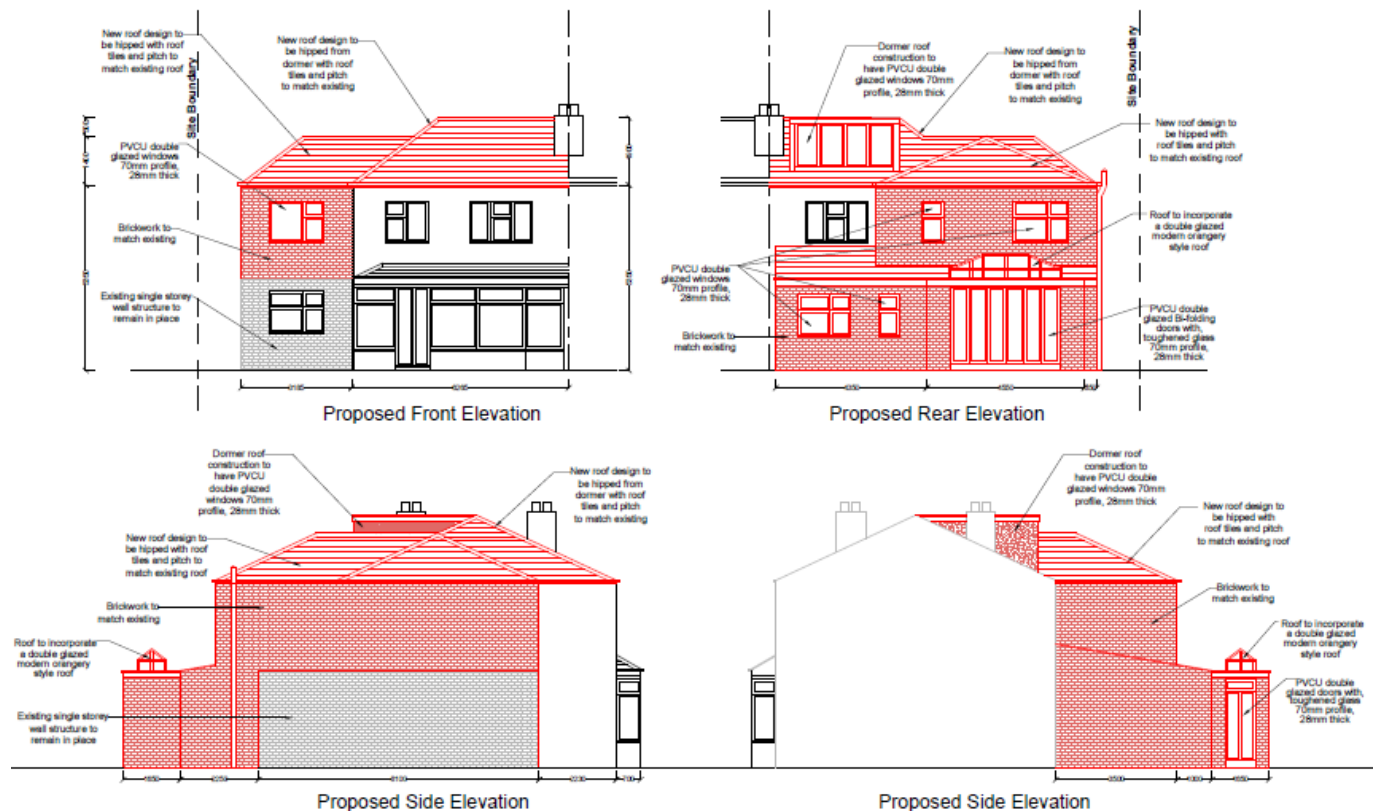


Figure 1 Approved drawings under 124822/FH/2019

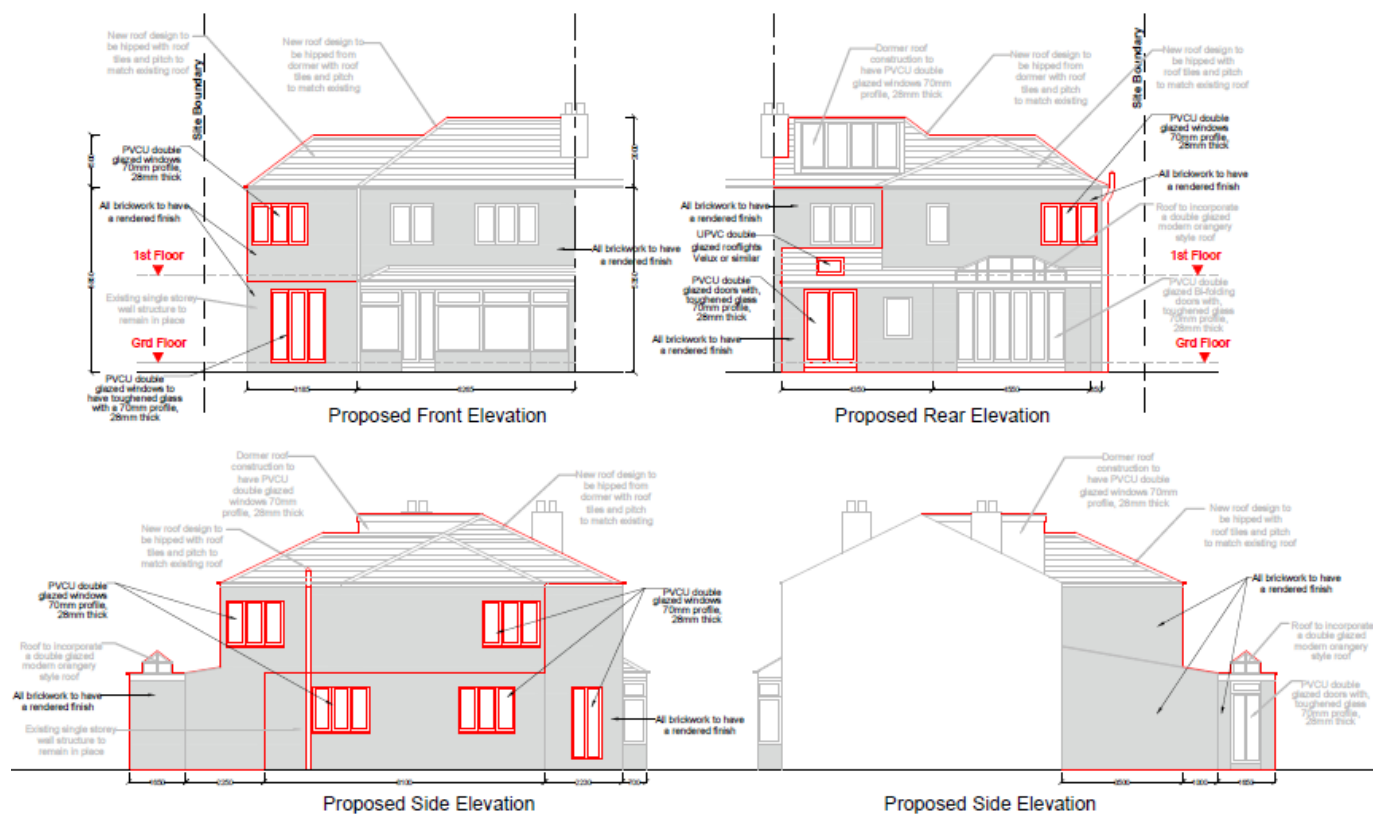


Figure 2 Proposed changes

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

The proposed amendments relates to alterations to introduce windows on the rear side of the property, roof light and doors to the study room and elevation alterations to existing window on the front of the house

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be a material change and is unacceptable to the City Council as the Local

Planning Authority. The City Council is not satisfied that the proposed changes will not have a significant impact upon the character of the building, or upon the visual appearance of the area. As such the proposal is contrary to City Council policies DM1 and SP1 of the Core Strategy.

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

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) -

Area Team Boundary - Name: SOUTH