

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142125/NMC/2025
Date registered valid: 11 February 2025
Proposal: Non Material Change to planning permission reference 141526/FH/2024 to alter dimensions of garden room
Address: 217 Peel Hall Road, Manchester, M22 5HJ
Ward(s): Sharston Ward

Applicant: Ms A Duncan
Agent (if any): Ms Sarah Bolsover Smashbox Architecture
Case officer: Jake Walther
Tel: 0161 234 1632
Email: jake.walther@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 11/03/2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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 relates to a two-storey semi-detached class C3 dwellinghouse on Peel Hall Road. The house is constructed of red brick with terracotta roof tiles and features hipped roof on the main house and a flat roof on the attached single storey garage. The property features a front garden with hardstanding for vehicle parking, to the rear there is a single storey conservatory and a rear garden.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

Peel Hall Road is a residential road which runs between Simonsway and Crossacres Road in Wythenshawe. The area is predominantly residential in terms of its character, consisting of semidetached, detached and terraced two storey residential dwellings with a small parade of further north of the site. Peel Hall Park and Peel Hall Metrolink stop are both within walking distance of the site.

Description of development

Non-material change application to planning permission reference 141526/FH/2024 to allow: dimension changes to enlarge the garden room.

Consultations & Notification Responses

None

Issues

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.

Garden room alterations

The proposed garden room in the approved plans 141526/FH/2024 measured 6600mm (w) x 3300mm (d) with a maximum height of 2780mm sloping down to 2500mm at rear eaves. The proposed change extends the width of the garden room, increasing it to a total width of 9900mm, the depth and height of the structure would remain unchanged. In addition, two additional glazed door panels will be added to the front elevation of the structure, the other elevations will remain unchanged.

It is considered that increasing the size of the outbuilding would be considered a material change and cannot be dealt with through an NMC application. The increase of the structure by several meters, within 2 meters of neighbour's boundaries could give rise to unacceptable residential impacts, which the neighbouring properties have not had the opportunity to review, given the type of application. As such, the City Council is not satisfied that the changes put forward of would result in a non-material change to the original proposal and it is considered the at the application is refused on this basis.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Approve

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

1. The proposed changes relate to the changing of dimensions of the rear garden room (outbuilding), resulting in an increase in the scale of the structure.

2. Following an assessment of the details and plans submitted, it is confirmed 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

Airport Noise Index Zone - Noise and Nuisance Index - 40-49

Area Team Boundary - Name: SOUTH AREA