

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140245/NMC/2024

Date registered valid: 11 June 2024

Proposal: Non Material Amendment to application 136347/FH/2023 to allow alterations to the roof design

Address: 200 Wythenshawe Road, Manchester, M23 0PF

Ward(s): Northenden Ward

Applicant: Mrs Alexandra Murphy

Agent (if any): Mr Howard Kao Jade Tiger Architects Ltd

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9 July 2024

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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: NO

The application property is a two-storey detached dwellinghouse with detached single storey garage to its western boundary with number 224 Wythenshawe Road. The existing property has a sloping front roof and two storey flat roof rear extension, there are extensive well established private garden areas to the front and rear with the main property set back from Wythenshawe Road by approximately 12 metres. The property has a front boundary wall and railings. The detached garage extends along the boundary with number 224 for approximately 11 metres and is constructed with similar colour brick to the main dwellinghouse. An extension to the garage was approved in 2000.

Wythenshawe Road is a busy east west link with Wythenshawe Park to the south and established residential areas to the north. The properties in the vicinity of the site have a strong front building line set back from the main road frontage but there is a variety of house types and finishes behind the tree lined road.

The original permission approved under planning reference number 136347/FH/202 included the erection of a two-storey side and rear extension, first floor rear extension together with installation of hipped roof to existing two storey rear extension.

The current proposal seeks to alter the two storeys rear hipped roof by introducing a flat roof.

Consultations & Notification Responses

No consultations are required for this type of application.

Issues

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 the 11th of July 2012:

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

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 - Achieving Well-Designed Places

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1 - Sustainable Places

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 proposed amendments relate to:

The two-storey rear roof being replaced with a flat roof, rather than the approved hipped roof as specified on planning reference number 136347/FH/2023, drawings numbered KR825-PL-202 Rev A and KR825-PL-203 Rev A, received electronically on the 27 April 2023.

The applicant now seeks to make the following amendments to the approved scheme:

It is considered to be a material change to the approved scheme due to the altered design of the roofscape which would have disparate impacts upon the visual amenity of the area, requiring further notification of neighbouring properties.

For these reasons, it is considered that a new planning application would need to be submitted to enable statutory consultation of neighbouring residents to be actioned as well as a detailed assessment of the proposed alterations to the scheme.

The application is therefore 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: 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:

The two storey rear roof being replaced with a flat roof, rather than the approved hipped roof as specified on planning reference number 136347/FH/2023, drawings numbered KR825-PL-202 Rev A and KR825-PL-203 Rev A, received electronically on the 27 April 2023.

2) Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to 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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA