MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 139921/NMC/2024 |
| **Date registered valid:** | 30 April 2024 |
| **Proposal:** | Non-Material Amendment to planning permission 138297/FH/2023 to allow additional window to front elevation |
| **Address:** | 26 Chapel Road, Manchester, M22 4JW |
| **Ward(s):** | Northenden Ward |
| **Applicant:** | Mr Andrew Rowland |
| **Agent (if any):** | Mr Matthew Jack, Up Architecture Ltd |
| **Case officer:** | Joshua Lee<br>Tel: 0161 219 2851<br>Email: joshua.lee@manchester.gov.uk |

**Recommendation:**

**Date of recommendation: 02/05/2024**

## Application details

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** n/a

**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**

Proposal relates to a semidetached dwellinghouse on Chapel Road. The property features and existing two storey outrigger with hardstanding to the front and side (for off street vehicle parking) and landscaping to the rear.

**Listed building:** Not applicable

**Conservation area:** Not applicable

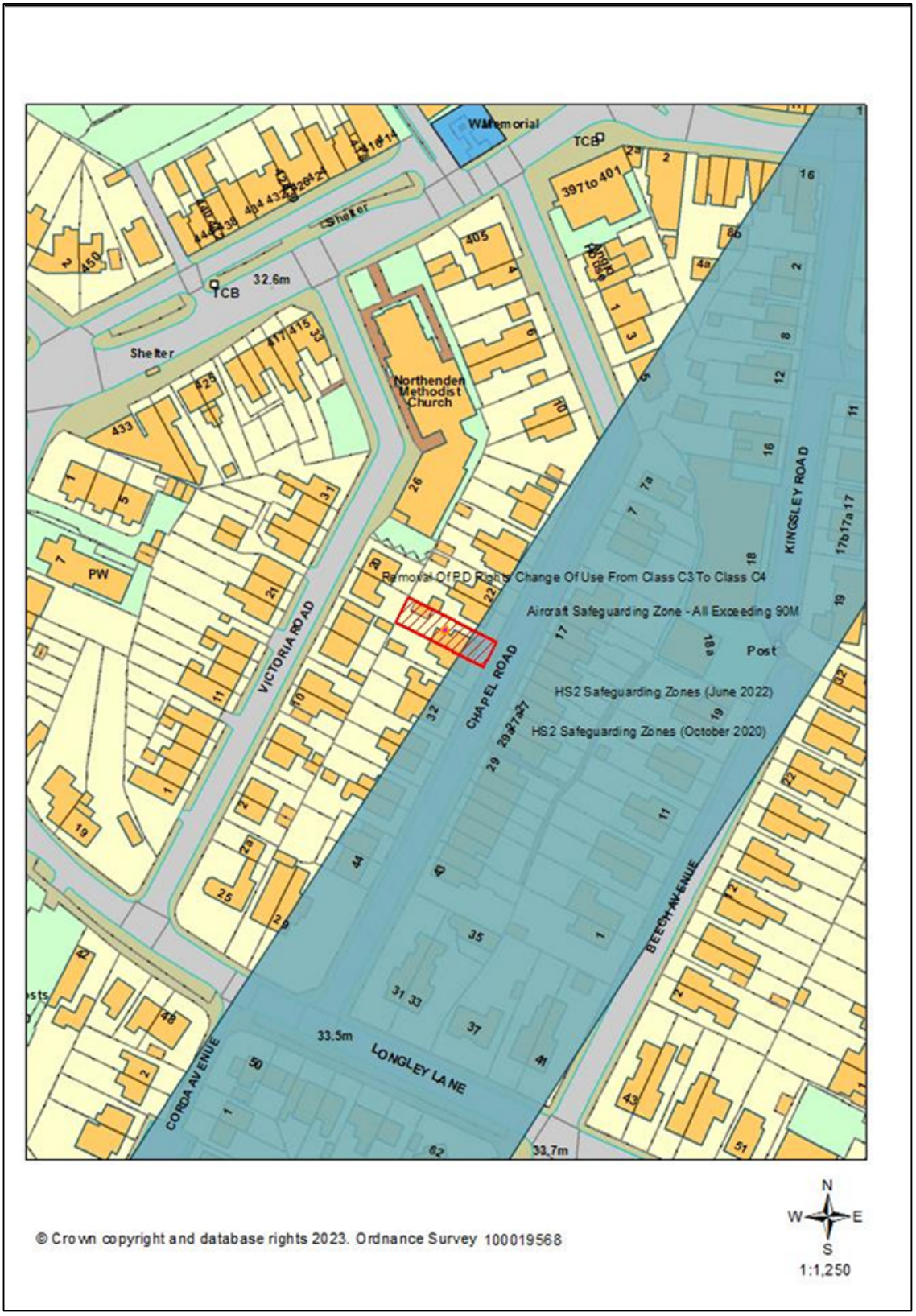
**Tree Preservation Order:** Not applicable



*Figure 1. Street scene (principal elevation)*

**Description of area**

The property is located in a predominately residential part of the Northenden ward of Manchester.



**Description of development**

The applicant proposes a Non Material Amendment to planning permission 138297/FH/2023 to allow additional window to front elevation

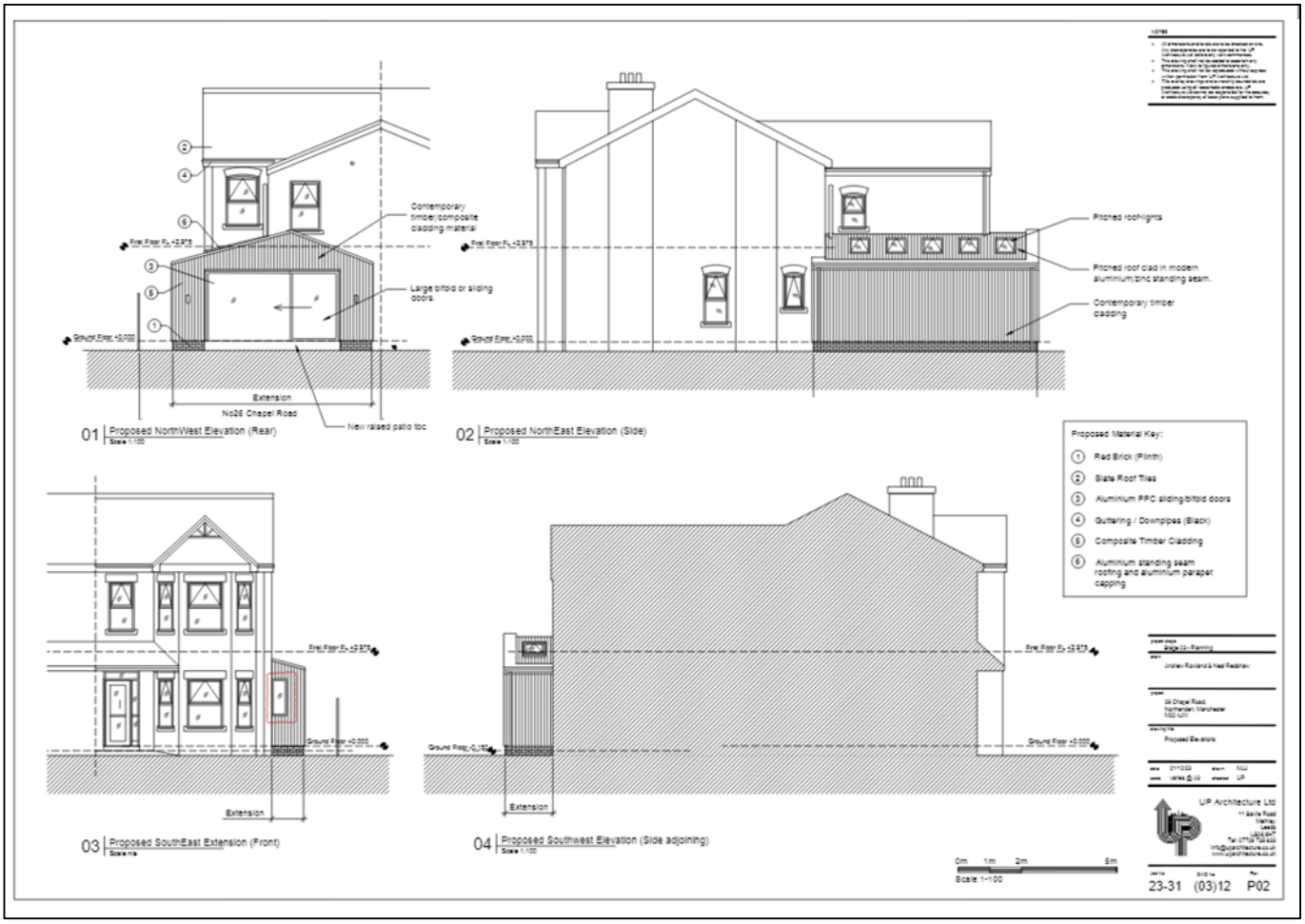



*Figure 2. Amended plans (note new window in red)*

## Planning History

**138297/FH/2023**
Description: Erection of a single storey side and rear extension to form additional living accommodation
Decision: Approved 06/12/2023

## Consultation, notification & publicity responses

Not required for non-material amendment applications.

## Relevant policies & the principle of development

**Summary of relevant policy**

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In this case, the application for a non material amendment, so the following planning law is considered relevant

- Town and Country Planning Act 1990 – The 1990 Town and Country Planning Act governs land development in England and Wales. It is a central part of English land law in that it concerns town and country planning in the United Kingdom. We consider the following sections relevant to this proposal.
    - Section 96A - Power to make non-material changes to planning permission

## Town and Country Planning Act 1990

**Section 96A – Non material amendment**

A local planning authority in England can make a change to any planning permission relating to land in its area if it is satisfied that the change is not material, as allowed by Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008).

The authority considers the impact of a change on the original planning permission. They also consider any prior minor changes.

In this case, the application relates to an approval for the non-material changes to the approved planning permission 138297/FH/2023 to allow for the Erection of a single storey side and rear extension to form additional living accommodation.

The proposed change adds a small ground floor window into the side extension on the principal elevation. The principal elevation of the existing elevation already features existing glazing facing onto the roadway. The proposed change would not unduly affect the privacy of local residents.

It is noted that insertion of windows in an existing dwellinghouse is a permitted development right so the applicant could insert a new window in the principal elevation of the existing dwellinghouse without planning permission.

The suggested changes are small and suitable for the residential area. They are not expected to cause significant harm.

## 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 polices 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.

## Conclusion

The proposed amendment is considered acceptable minor in nature and would have no more impact upon either visual or residential amenity than the approved scheme. For the above reasons, it is considered that any harm as the result of the proposal to be less that substantial.

## Recommendation: Approve

## Condition(s) to be attached to decision for approval

1. **Non material amendment**

   The proposed amendments relate to the following: Non Material Amendment to planning permission 138297/FH/2023 to allow additional window to front elevation of 26 Chapel Road, Manchester, M22 4JW.

   Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

2. **Amended specified plans**

   The development hereby approved shall be carried out in accordance with the following drawings and documents:

   a. 30 Apr 2024 Drawing - Proposed PLANS
   b. 30 Apr 2024 Drawing - Proposed ELEVATIONS

   Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy and JP-P1 & of Places for Everyone.

## 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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: SOUTH AREA