

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140289/NMC/2024

Date registered valid: 14 June 2024

Proposal: Non Material Amendment to planning application 138853/FH/2023 to allow alterations to opening sizes on the rear facade and alterations to dormer

Address: 90 St Werburgh's Road, Manchester, M21 0UL

Ward(s): Chorlton Park Ward

Applicant: Mrs Caroline Cadoo

Agent (if any): Ms Jo Sharples Editorial Studio

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 19 June 2024

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey semi-detached C3 dwellinghouse of redbrick with a grey concrete tile dual pitch roof. The property features timber-framed windows, including a two-storey and ground floor bay to the front, and a projecting box window to the rear, a front basement lightwell, a tarmac driveway and modest front garden bordered by a mid-level redbrick wall, and a detached outbuilding situated within a spacious rear garden.



Figure 1. Principal elevation.



Figure 2. Front garden / amenity space.



Figure 3. Rear elevation.



Figure 4. Rear garden.

Description of area

St Werburgh's Road is a residential street situated within the Chorlton Park ward of Manchester, close to Wilbraham Road (A6010), St Margaret's Sports Fields, and St Werburgh's Road Metrolink tram stop. The area is predominantly residential in terms of its character, consisting of semi-detached and detached residential properties, and benefits from its proximity to Chorlton district centre.

Description of development

The applicant gained permission for the installation of a basement access and stair to front, installation of rear roof dormer, formation of raised terrace to the rear garden, and elevational alterations to rear first floor bay windows in February 2024 under planning application reference 138853/FH/2023. The applicant now wishes to make minor alterations to the design of the proposal, which they consider to be non-material.

Planning history

136611/LP/2023 - Enlargement of dwellinghouse comprising of the erection of a rear dormer, installation of 4no. rooflights (3no. front and 1no. rear) and render to rear of property – **APPROVED** (25.05.2023).

138853/FH/2023 - Installation of basement access and stair to front, installation of rear roof dormer, formation of raised terrace to the rear garden, and elevational alterations to rear first floor bay windows – **APPROVED** (15.02.2024).

Consultations & Notification Responses

Not required.

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

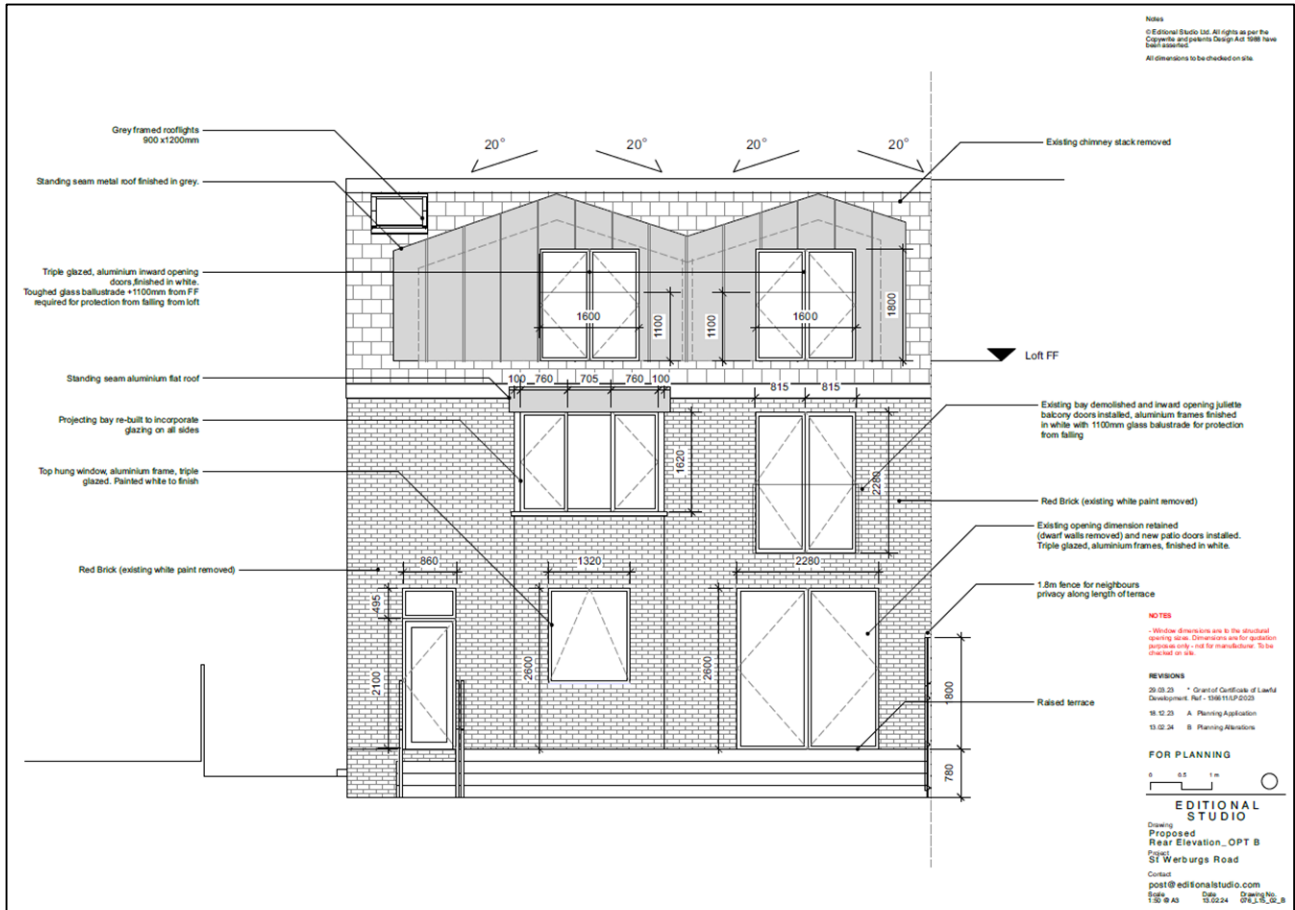


Figure 5. Approved rear elevation of 138853/FH/2023.

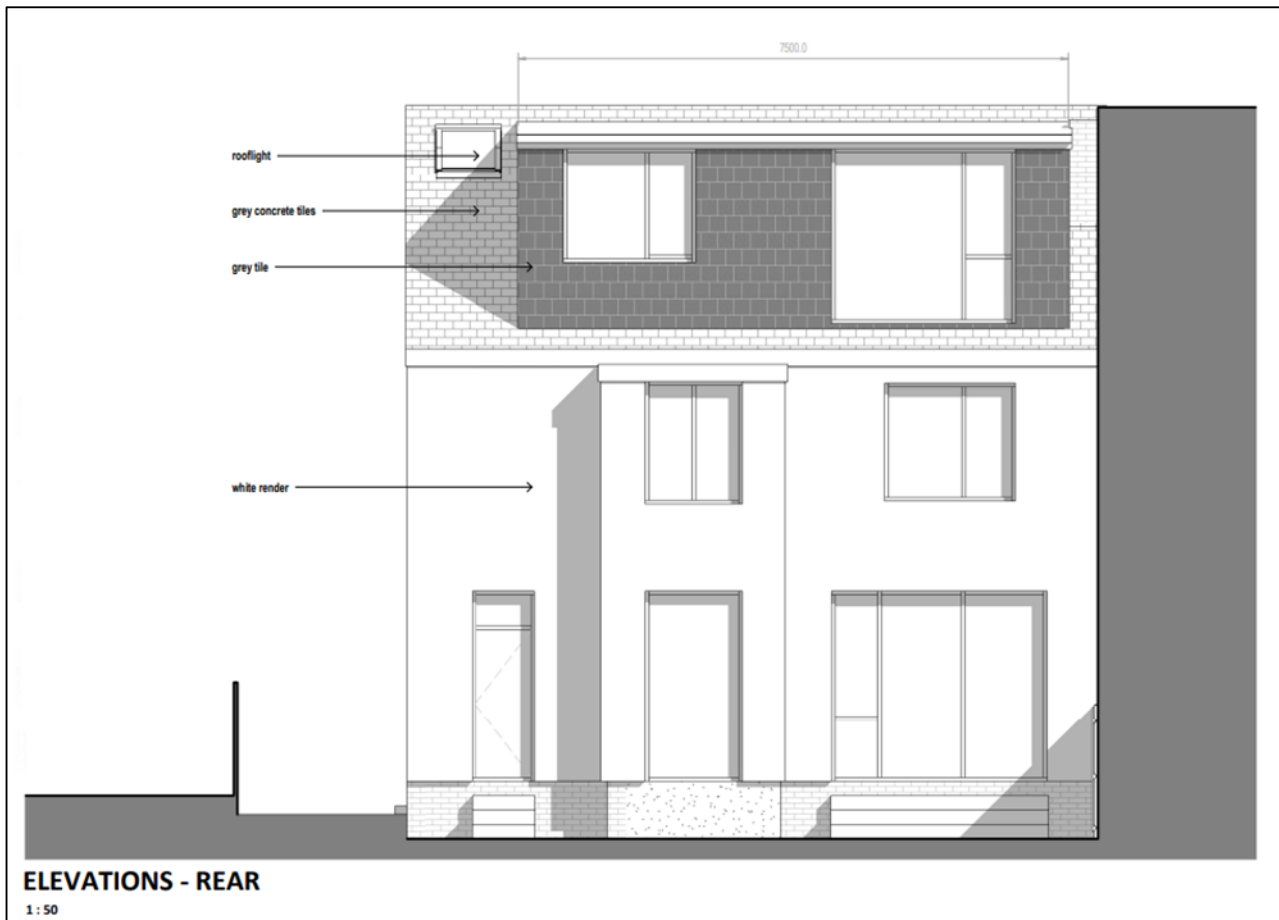
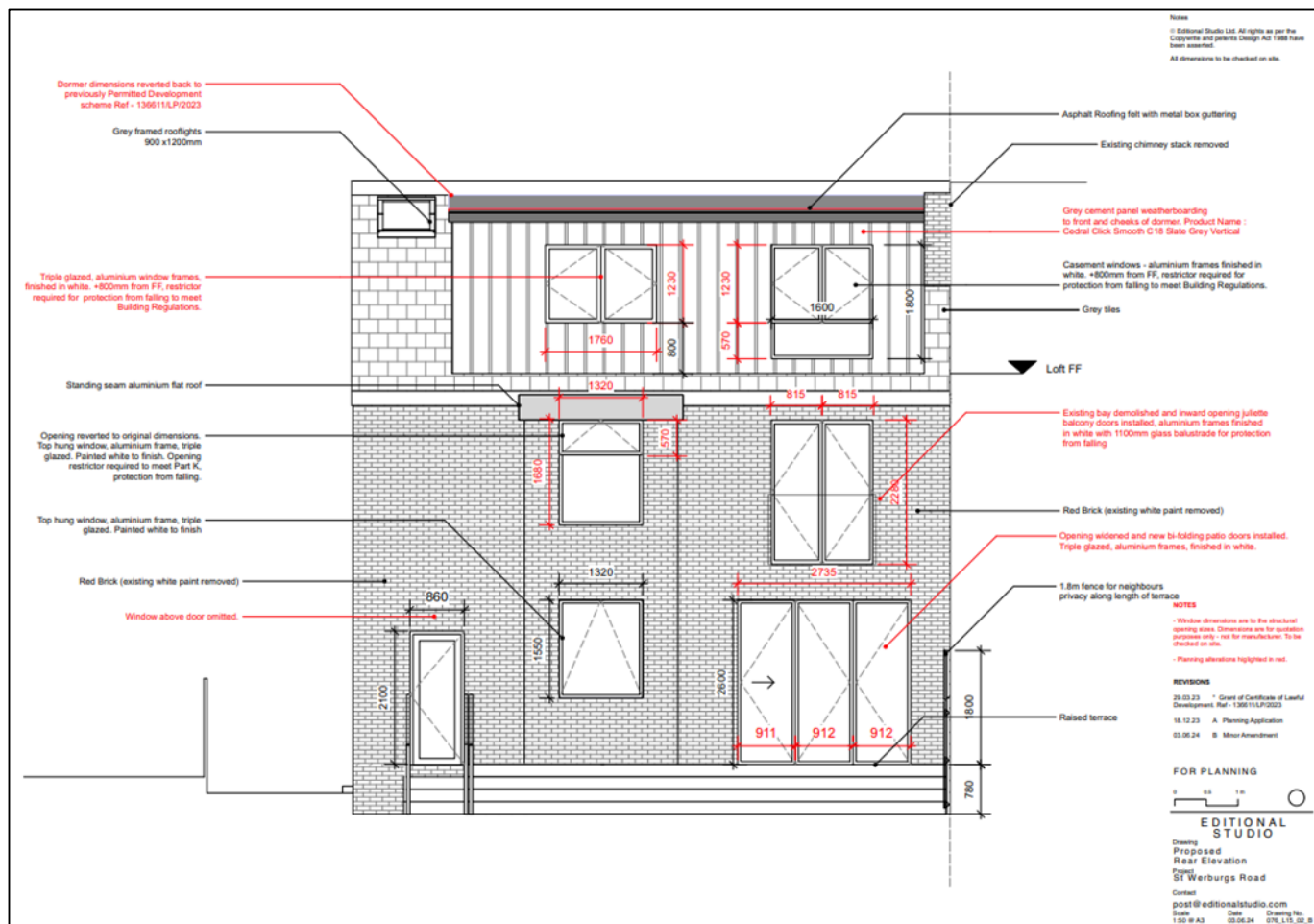


Figure 6. Approved rear elevation of 136611/LP/2023.



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 application relates to approved planning permission 138853/FH/2023 which granted permission for the installation of a basement access and stair to front, installation of rear roof dormer, formation of raised terrace to the rear garden, and elevational alterations to rear first floor bay windows to provide additional living accommodation for a family dwellinghouse.

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

- Ground floor rear door opening widened with bi-folding triple-glazed aluminium-framed doors (finished in white) installed.
- Window/fanlight above ground floor rear single door omitted from scheme.
- Approved first-floor projecting rear bay window omitted from scheme, with original window feature retained.
- Dormer glazing amended to include smaller openings with triple-glazed aluminium-framed windows (finished in white).
- Dormer materials amended from Greencoat PLX Standing Seam steel in 'Slate Grey RR2H3 / SS0534' to vertical cement weatherboarding in 'Cedral Click Smooth C18 Slate Grey Vertical'.
- Dimensions of rear dormer amended to reflect those approved under 136611/LP/2023, including amending the pitched/dual pitch roof form to a flat/slightly sloped roof form.

Amending the dimensions of the rear dormer to those approved under 136611/LP/2023, rather than those approved under 138853/FH/2023, is considered to be a material change to the approved scheme due to the altered scale and massing of the dormer which would have disparate impacts upon the visual and residential 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

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

1) The proposed amendments relate to:

- Ground floor rear door opening widened with bi-folding triple-glazed aluminium-framed doors (finished in white) installed.
- Window/fanlight above ground floor rear single door omitted from scheme.
- Approved first-floor projecting rear bay window omitted from scheme, with original window feature retained.
- Dormer glazing amended to include smaller openings with triple-glazed aluminium-framed windows (finished in white).
- Dormer materials amended from Greencoat PLX Standing Seam steel in 'Slate Grey RR2H3 / SS0534' to vertical cement weatherboarding in 'Cedral Click Smooth C18 Slate Grey Vertical'.
- Dimensions of rear dormer amended to reflect those approved under 136611/LP/2023, including amending the pitched/dual pitch roof form to a flat/slightly sloped roof form.

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
Area Team Boundary - Name: SOUTH AREA