

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140052/NMC/2024

Date registered valid: 20 May 2024

Proposal: Non-material amendment to planning permission reference 132358/FH/2021 to allow the addition of a window to the first-floor extension.

Address: 34 Cherry Tree Road, Manchester, M23 9BX

Ward(s): Brooklands Ward

Applicant: Mr Sean Addison

Agent (if any):

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 17th 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

The site comprises a two storey brick built detached property in the Brooklands area of Manchester. The property has a fronted bay window at ground floor with porch and attached garage with single storey side extension. A single storey conservatory is present on the rear. The property benefits from a large front and rear garden with driveway and access along the side. The property is bounded by timber fencing and soft landscaping.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature

Description of development

The applicant is seeking Non-material amendment to planning permission reference 132358/FH/2021 to allow the addition of a window to the first-floor extension.

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Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance: -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 11th July 2012: -

Policy DM1 - Development Management -

Policy SP1 - Spatial Principles The National Planning Policy Framework (NPPF, 2023) - Chapter 12 - Achieving well-designed 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 application relates to approved planning application 138397/FH/2023 which granted permission for the erection of a two-storey side extension, single storey front extension, roof alterations including increase in height and dormer extension to rear to provide additional living accommodation.

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

- *Non-material amendment to planning permission reference 132358/FH/2021 to allow the addition of a window to the first-floor extension*

Given that the applicant has failed to provide sufficient information, the City Council is not satisfied that the changes put forward as part of the application for the addition of a window to the first floor, would not have a detrimental impact upon the residential amenity of neighbouring occupiers.

For these reasons, it is considered that 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: Refuse

Article 35 Declaration

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

1) The proposed amendment is in relation to allow the addition of a window to the first-floor extension.

2) Following an assessment of the details and plans submitted, the applicant has failed to provide sufficient details with regards to position of the window. The City Council is not satisfied that the proposed alterations would not have an impact upon the residential amenity of neighbouring occupiers. As such, the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1996.

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 (Less) -

Area Team Boundary - Name: SOUTH AREA