MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139177/NMC/2024
Date registered valid:	5 February 2024
Proposal:	Non Material Amendment to application 138856/FH/2023 to change of window on the east elevation in the rear single storey extension
Address:	3 Vincent Avenue, Manchester, M21 9GR
Ward(s):	Chorlton Ward
Applicant:	Mrs Melo
Agent (if any):	Mr John Allen, Andrew Wallace Architects
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19/02/2024

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

The proposal relates to a semi detached dwellinghouse on Vincent Avenue. The property features an existing single storey outrigger and small single storey side extension. The property features hardstanding to the front for off street vehicle parking, 2no. TPO trees to the front and landscaping to the rear.

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane Conservation Area 2005

Tree Preservation Order: 2no within red line but not near development site.

Description of area

The property is located in a mostly residential party of Manchester's Chorlton Ward. The property sits within the Wilbraham Road/Edge Lane Conservation Area.

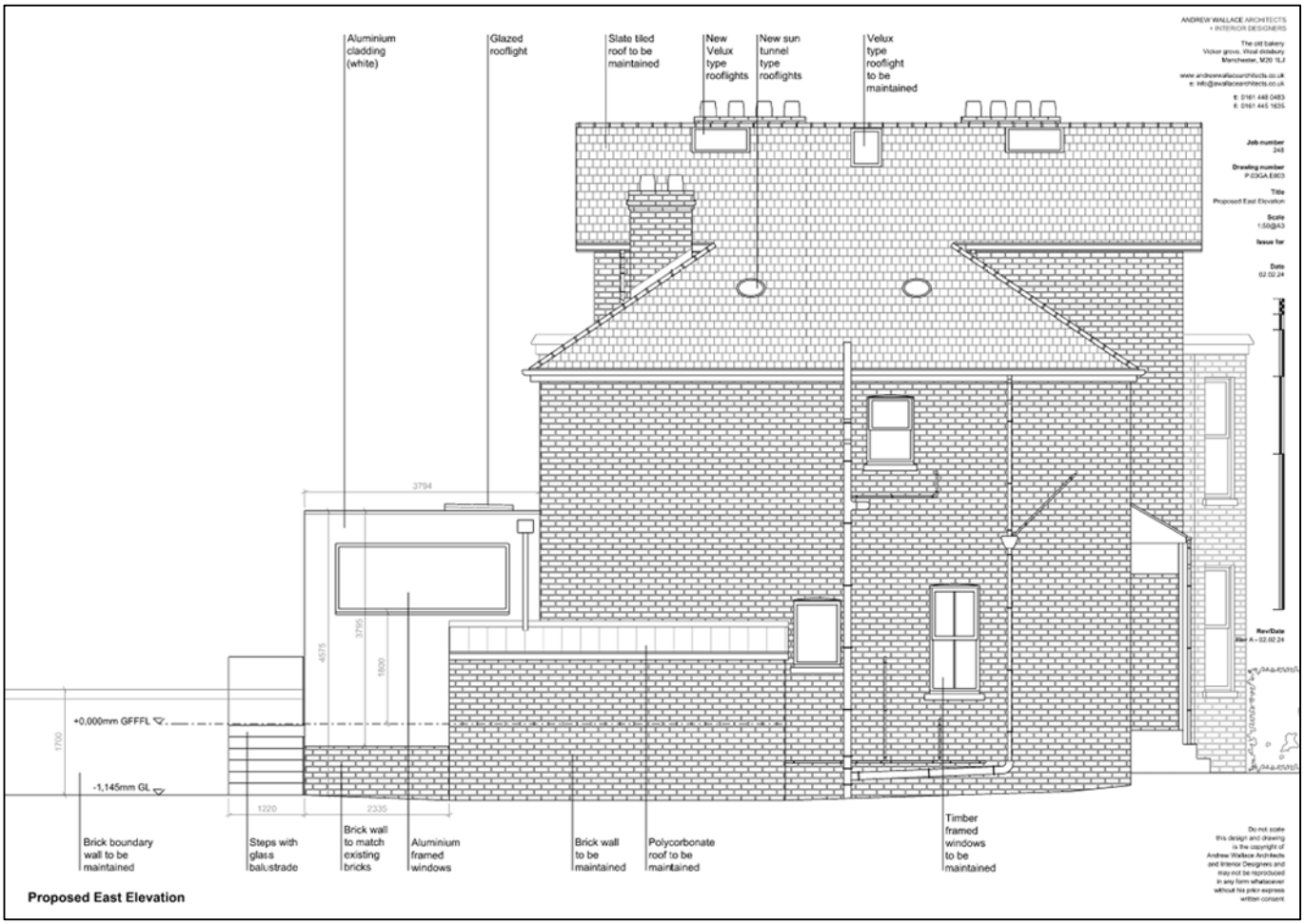
Figure 1. Street scene

Figure 2. Rear elevation

Description of development

Applicant is proposing the Non-Material Amendment to application 138856/FH/2023 to change of window on the east elevation in the rear single storey extension.

The change would remove the obscure glazed condition window to a non-obscured window.



Planning History

138856/FH/2023

Description: Erection of a single storey rear extension following demolition of existing single storey outrigger

Decision: Approved

056946/TCA/SOUTH2/99

Description: NOTIFICATION OF INTENT TO CARRY OUT WORKS TO TREES WITHIN OSWALD ROAD/VINCENT AVENUE TREE PRESERVATION ORDER Cut dead wood from 2no. silver birches

Decision: Approved 29/07/1999

95/00037/TPO

Description: City of Manchester (Oswald Road/Vincent Avenue, Chorlton) Area TPO 1997

Decision: Confirmed 10.12.1997

Consultations & Notification Responses

No consultations or notifications are required for a non-material amendment application.

Policies & Principle

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 is for a non-material amendment, so the following policies are 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 138856/FH/2023 to change of window on the east elevation in the rear single storey extension.

The suggested changes are minor, changing the orientation of a window to provide privacy by a window above 1.8m in height as an alternative to the previously conditions obscure glazed window.

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 application 138856/FH/2023 to change of window on the east elevation in the rear single storey extension at 3 Vincent Avenue, Manchester, M21 9GR

   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. Drawing - Proposed	05 Feb 2024	EAST ELEVATION
b. Drawing - Proposed	05 Feb 2024	GF PLAN

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.

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
Conservation Area - Wilbraham Road/Edge Lane Conservation Area 2005
Area Team Boundary - Name: SOUTH AREA