

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139769/NMC/2024

Date registered valid: 11 April 2024

Proposal: Non-material amendment to planning permission reference 138941/FH/2024 to allow revised wording in Condition 2 to amend the proposed roof over the rear single-storey extension from flat to low-pitch lean-to.

Address: 44 Cherington Close, Manchester, M23 0FE

Ward(s): Brooklands Ward

Applicant: Ms Leda Kwan

Agent (if any): Ms Silvia Knowles, Silk Architecture

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 May 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non 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 property that is the subject of this householder planning application is a brick built two storey semi-detached dwellinghouse. It has white Upvc cladding panels to the first floor of the front elevation, and a bowed bay window to the ground floor. There is a garden and driveway to the front of the property and gated access to the large wedge-shaped garden to the rear. This is somewhat overgrown given the obvious vacant situation of the property. There are allotments to the rear with the M60 motorway beyond that. It is located on the bend of the road and is identified as 44 Cherington Close in the Brooklands ward of the City.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature with properties of a similar size to the property at number 44 Cherington, and some have had the benefit of extensions.

Description of development

The proposal is for a non- material change to application ref: 138941/FH/2024. The changes relate to condition number 2 Specified Plans to enable the change of the approved rear single storey extension with a flat roof to be replaced with a shallow mono-pitch roof. The remainder of the proposal is to remain as previously approved, and is for a two storey side extension, a single storey rear extension with a Juliet balcony, and an extension to the porch on the front of the property. This is following the demolition of the free-standing garage to the side of the property, single storey side extension and the small conservatory to the rear. The extensions to the property together with the reconfiguration of existing accommodation would provide additional living accommodation in the form of bedroom, utility room, shower and open plan kitchen diner to the ground floor with bedroom and snug to the first floor. The extended porch

would incorporate the area previously occupied by the bow bay window, which would be replaced by a new bay that forms part of the porch. This would square off the area to the front and would have a flat roof.

At present Condition 2 reads as follows:

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

010-Rev D proposed plans and elevations-received by email from agent 28th February 2024

015- Proposed site plan received 3rd January 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

The revised Condition shall include the updated reference number and the Condition shall now read as follows:

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

010-Rev F proposed plans and elevations-received 11th April 2024

015- Proposed site plan received 3rd January 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Consultations & Notification Responses

No consultations are required for this type of application.

Relevant Planning History

F06920-Single storey extension at side and rear of dwellinghouse to form kitchen, dining area and shower room.

Approved 29.07.1977

138941/FH/2024-Erection of a 2- storey side extension, a single storey rear extension incorporating a Juliet balcony, a front porch extension and installation of three rooflights, following demolition of existing detached garage, side extension, rear conservatory and front porch.

Approved 29.02.2024

Policy

The following policies are considered relevant in the consideration of this application.

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan.
- o Policy DC1 for Residential Extensions is still considered of relevance, in particular policy DC1.5 - The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 - Design Principles
- o Policy EN 19 - Waste Management

- o The National Planning Policy Framework (NPPF)

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.

The City Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Issues

Materiality

The proposed changes to the plan reference within condition number 2 is not considered material. The changes would not raise any new significant issues and would still allow the overall development to accord with the conclusions of the technical assessments approved as part of the primary permission, whilst complying with all relevant, overarching policy and guidance. On this, basis, the proposed amendments are considered satisfactory, and the effect of the change is considered non-material.

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: Approve

Article 35 Declaration

The proposed amendment relates to changes to the wording within condition 2 to allow for the inclusion of a revised plan, 010 Revision F thereby permitting the change of the roof over the proposed single storey rear extension from a flat roof to a mono-pitch roof.

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 change will not result in any significant or material alterations to the primary planning permission.

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

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

010-Rev F proposed plans and elevations-received 11th April 2024

015- Proposed site plan received 3rd January 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 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

Green Belt Land - Green Belt Area (LDF)

Area Team Boundary - Name: SOUTH AREA