MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137695/NMC/2023
Date registered valid:	27 July 2023
Proposal:	Non-Material Amendment application to vary the wording of Condition 2 (approved drawings) attached to planning permission 133088/FH/2022
Address:	24 Brookfield Avenue, Manchester, M21 8TX
Ward(s):	Chorlton Park Ward
Applicant:	Mr & Mrs Morgan-Hyland
Agent (if any):	
Case officer:	Holly Wright Tel: 0161 219 6381 Email: holly.wright@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	14 August 2023

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 mid-terraced C3 dwellinghouse of redbrick with a grey slate dual pitch roof. The property features white timber-framed windows, including a ground floor bay to the front, a front porch canopy, a modest front garden bordered by a low-level redbrick wall, a two-storey rear outrigger, a single storey rear extension and a modest rear garden bordered by a high-level redbrick wall.



Figure 1. Principal elevation of property, as seen on Google Maps.

Description of area

Brookfield Avenue is a residential cul-de-sac situated within the Chorlton Park ward of Manchester, close to Cleveleys Avenue Allotments, Chorlton Park, and Chorlton District Centre. The area is predominantly residential in terms of its character, consisting of terraced and semi-detached residential properties and benefits from its proximity to public outdoor amenity and green spaces.

Description of development

The applicant gained permission to build a single storey rear extension and rear roof dormer to provide additional living accommodation together with the installation of a raised decking area to the rear, elevational alterations (including the application of render to the first floor of the rear outrigger), and the reinstatement of the front basement lightwell last year under planning application reference 133088/FH/2022. They now wish to make minor alterations to the approved plans of the proposal which they consider to be non-material.

Planning History

130794/FH/2021 - Erection of single storey rear extension with glazed canopy and installation of dormer extension to rear to provide additional living accommodation – **APPROVED** (24.08.2021).

132398/NMC/2021 - Non material change to planning permission 130794/FH/2021 to allow addition of 3no rooflights to front elevation and alterations to extent of proposed glazing within new rear dormer – **APPROVED** (02.03.2022).

133088/FH/2022 - Erection of a single storey rear extension and installation of rear roof dormer to form additional living accommodation together with installation of raised rear decked area; associated elevational alterations including application of render to first floor of rear outrigger and the reinstatement of front basement lightwell – **APPROVED** (12.05.2022).

CDN/23/0363 - Application to discharge condition no. 3 (materials) attached to planning permission 133088/FH/2022 – **PENDING CONSIDERATION**

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 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, 2021)

- Chapter 12: Achieving well-designed places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

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 133088/FH/2022 which granted permission for the erection of a single storey rear extension and rear roof dormer to provide additional living accommodation together with the installation of a raised decking area to the rear, elevational alterations (including the application of render to the first floor of the rear outrigger), and the reinstatement of the front basement lightwell. The applicant now seeks to make the following amendments to the approved scheme:

- Minor alterations to the approved plans consisting of the removal of the annotated materials labels.

Originally, the submitted plans included annotated labels which provided details of the proposed materials to be used for the developments. The only changes to these plans would be the removal of these labels. This is to allow for the discharge of condition 3 (materials), also attached to planning permission 133088/FH/2022, for which a discharge condition application CDN/23/0363 is currently live. It should be noted that the material labels included on the approved plans conflict with the materials detailed under the condition discharge application. Removal of the material labels would allow for details of the materials and their finishes to be dealt with accordingly under CDN/23/0363.

It is through this reasoning that this alteration is not considered to materially change the proposal or cause additional harm to neighbouring residents or the street scene as the materials of the scheme are to be controlled through the discharge of condition 3. Hence, it is considered that the proposed amendment would have no more impact upon visual and residential amenity than the original approved scheme.

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.

Recommendation: Approve

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

1) The proposed amendments relate to minor alterations to the approved plans of planning permission 133088/FH/2022 consisting of: the removal of the annotated materials labels.

2) Following an assessment of the details and plans submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and are acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will not have any significant or detrimental impact upon residential and visual amenity or the character of the area.

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

-'Application for a Non-Material Amendment Following a Grant of Planning Permission', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED LOWER GROUND FLOOR', numbered '7029_PL08', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED GROUND FLOOR PLAN', numbered '7029_PL09', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED FIRST FLOOR PLAN', numbered '7029_PL10', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.

-'PROPOSED SECOND FLOOR PLAN', numbered '7029_PL11', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED ELEVATIONS', numbered '7029_PL12', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED SECTIONAL ELEVATION', numbered '7029_PL13', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED ELEVATIONS', numbered '7029_PL14', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
-'PROPOSED ELEVATIONS', numbered '7029_PL15', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.
'Covering letter: Planning permission ref: 133088/FH/2022, 24 Brookfield Avenue, Manchester, M21 8TX, Non-material amendment (NMA) - materials on external elevations', stamped as received by the City Council as Local Planning Authority on the 27th July 2023.

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

Not required.

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
Area Team Boundary - Name: SOUTH AREA