

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135939/NMC/2023
Date registered valid: 11 January 2023
Proposal: Non-material amendment to planning permission reference 130693/FH/2021 to allow the side access door to be moved
Address: 19 Rowan Avenue, Manchester, M16 8AP
Ward(s): Whalley Range Ward

Applicant: Amanda Bradley-Rigbye
Agent (if any): Mrs Magdalena Haener, Pride Road Manchester South
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 25.01.2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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: Whalley Range Conservation Area 1992

Tree Preservation Order:

Description of site/building/area

The property is a semi detached residential property within a predominantly residential part of Whalley Range Conservation Area.

Description of development

Planning approval 130693/FH/2021 for the Erection of rear dormer and associated roof lights to front and side roof slopes; insertion of three rooflights to existing single storey rear outrigger; associated elevational alterations to side elevation was granted in September 2021.

The current proposals seek an amendment to the approval in the form of moving a side door within the original side gable wall of the property



Amended door position highlighted in red to the right

Issues

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 amendments proposed are to amend the position of the side access door within the gable wall.

Following assessment of the amendments proposed it is considered that these are non-material in nature and as such the changes will not materially alter the originally approved scheme and are therefore considered to be non-material. The inclusion of a side door into the existing gable wall at ground floor could have been undertaken without the requirement for planning permission. However, its repositioning is not considered to give rise to any greater or significant impact than that previously approved, it is noted that the adjacent property has a bay window and further window on the side elevation which reflected the position of the application property.

As a result of this change an update to condition numbers 2 (specified plans) is required.

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

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

- 1) The proposed amendments relate to changes to the positioning of the side door in the south elevation of the property.
- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 09 June 2021.

11 REV A ELEVATIONS
13 REV A ROOF PLAN
15 REV A FRONT ELEVATION

Received by the City Council as Local Planning Authority on 25 August 2021.

14 Rev D PROPOSED ELEVATIONS 2 of 2
10 Rev C PROPOSED GROUND AND FIRST FLOOR PLANS

Both as received by the City Council as local planning authority on the 11th January 2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, DM1 and EN3 of the Core Strategy.

2) Following an assessment of the details submitted, the City Council 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 are minor in nature and would not have a significant material impact upon the overall design and external appearance of the previously approved development nor would it have any greater impact on the amenity of any existing residential properties or on the visual amenity of the wider local area than the previously approved development.

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 - Whalley Range Conservation Area 1992

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA