

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134740/NMC/2022

Date registered valid: 24 August 2022

Proposal: Non-material amendment to planning approval reference 131353/FH/2021 to allow a reduction in the high level glazing to the boundary wall of the ground floor extension, and reduction in size of rooflight

Address: 15 Whalley Road, Manchester, M16 8AD

Ward(s): Whalley Range Ward

Applicant: Dharman Jeyasingham, 15 Whalley Road, Manchester, M16 8AD

Agent (if any): Chris Mulholland, Mulholland Architecture Ltd, Flat 1, 37 Upper Chorlton Road, Manchester, M16 7RW

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15.09.2022

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non undertaken for this type of application

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: Not applicable

Description of site/building

The application site is a 3-storey red brick, semi-detached Victorian dwelling situated on the eastern side of Whalley Road in the Whalley Range Conservation Area.

The site has an 11-metre deep front garden and driveway alongside which drops towards a basement-level access that is currently blocked in.

The property has large bay windows over both storeys and a decorative 'black and white' timber gable over the first floor.

There is a narrow access along the south side of the property which leads to the rear garden. The rear elevation of the property is constructed of grey/buff brick with a large decorative oriel window at ground floor.

Description of area

The site is within a tree-lined residential area of mixed typology. The adjoining property is similarly in single family occupation as are several similar houses going south, whilst the large building to the east has been extended into 18 flats. Facing the site to the north is another development of 20no. flats with various flat conversions along Whalley Road.

Description of development

Planning approval reference 131353/FH/2021 granted consent for the erection of single storey side and rear extensions, elevational alterations to the front basement entrance including creation of lightwell, the installation of a rear dormer extension, and alterations to driveway.

The current application relates to the amendments to the previously approved development which the applicant considers to be non-material in nature. The scope of the amendments proposed relate to alter/reduce the high level glazing to the boundary wall of the ground floor extension reducing it from 4No. panels, to 5No. panels. The corresponding rooflight above is to be reduced in size to match the size of the new glazing.

Consultations & Notification Responses

None undertaken for this type of application.

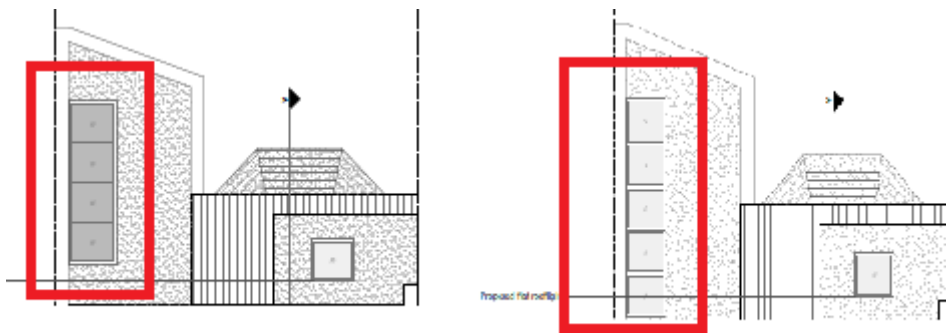
Issues

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 alter/reduce the high level glazing to the boundary wall of the ground floor extension reducing it from 4No. panels, to 5No. panels. Similarly, the corresponding rooflight above will be reduced in size to match the size of the new glazing.

The approved and proposed arrangements are highlighted below.



Approved to the right as proposed to the left – Rooflight amendment



Approved to the right as proposed to the left – High level obscure window amendment

The approved scheme included obscurely glazed high level windows and the non-material amendment reduces the number of obscurely glazed panels, both the approved and proposed plans identify the windows as being obscurely glazed. 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 .

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 the following changes to previously application approved under ref

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. It is also considered that the proposals would not have any impact on residential amenity or the visual amenity of the wider area.

CONDITION 2 AS AMENDED

2) The development hereby approved shall be carried out in accordance with the following drawings and documents received on the 13th of August 2021 or as stated:

Application form

Design and Access Statement prepared by Mulholland Architecture dated August 2021

Existing and Proposed Driveway Sections - Ref: Pr-022-302

Proposed Site Plan - Ref: Pr-022-002

As received by the City Council as local planning authority on the 26th August 2021

Ground Floor and Basement Plans - Ref: Pr-022-100 Rev A

Proposed First and Second Floor Plans - Ref: Pr-022-101 Rev A

Proposed Roof Plan - Ref: Pr-022-102 Rev A

Proposed Front and Rear Elevations - Ref: Pr-022-200 Rev A

Proposed Side Elevation 01 - Ref: Pr-022-201 Rev A

Proposed Side Elevation 02 - Ref: Pr-022-202 Rev A

Proposed Long Section AA - Ref: Pr-022-301 Rev A

As received by the City Council as local planning authority on the 18th August 2022

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

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