

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135423/NMC/2022

Date registered valid: 9 November 2022

Proposal: Non Material Amendment to planning permission 133834/FH/2022 to allow flat roof to single storey rear extension, reduced first floor and chamfered corner and reduced setback at first floor

Address: 408 Mauldeth Road West, Manchester, M21 7RA

Ward(s): Chorlton Park Ward

Applicant: Mr Sheraz Altaf, 408 Mauldeth Road West, Manchester, M21 7RA

Agent (if any): Mr Garry Logan, Loganbuilding Architectural Design, 3 River Street, Radcliffe, Manchester, M26 1NZ

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 7 December 2022

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 site is a 2-storey inter-war semi-detached property on the north side of Mauldeth Road West. There are gardens at the front and rear, parking on a front driveway and access along the eastern side to the rear garden. The property is constructed of red/brown brick at ground floor with render at first. The hipped roof is covered in grey interlocking concrete tiles.

Description of area

The site is within a residential area comprising of a similar housing typology. It faces Hough End Playing Fields and GM Police training grounds opposite to the south.

Description of development

An application for the erection of a part single, part two storey side and rear extension to form additional living accommodation was approved this year under ref 133834/FH/2022. The applicant now wishes to amend the design in several ways, which they deem non-material.

Consultations & Notification Responses

None required for this type of application.

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 still 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 the proposal accords with the principles of this policy document.

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 an approval for a part single, part two storey side and rear extension to form additional living accommodation for a C3 dwellinghouse (133834/FH/2022). The current application seeks a non-material amendment to the permission, and involves the following amendments:

- Change from pitched to flat roof over single storey rear element
- Reduction in first floor rear projection
- Addition of chamfered corners to the ground and first floor rear elements
- Reduced setback at first floor for side element

The addition of chamfered corners and the reduction in the first floor rear projection are both considered non-material. However, the change from pitched to flat roof for the single storey rear would increase the eaves height adjacent to the boundary from 2.1m to 2.6m, which is considered to be material due to the potential impacts upon the adjacent properties. Similarly, the reduction in the setback at first floor to the side is considered material given the impact a smaller setback would have on the streetscene, where it risks a terracing effect.

For these reasons it is considered that a new planning application or variation of condition application will need to be submitted to enable consultation with the neighbours and a detailed assessment of the revisions to be undertaken.

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: Refuse

Reason(s) for refusal

The proposed amendments relate to the change in the design and scale of the proposed part single part two storey rear extension and a reduction in the setback at first floor for the part single part two storey side extension.

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be a material change. The City Council is not satisfied that the proposed changes would not have an impact upon the character of the building, the residential amenity of nearby occupiers or upon the visual appearance of the area. As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

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
Area Team Boundary - Name: SOUTH AREA