

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135401/NMC/2022

Date registered valid: 7 November 2022

Proposal: Non-material amendment to planning approval reference 133863/FH/2022 to allow the rear store to be extended.

Address: 2 Marne Avenue, Manchester, M22 4RP

Ward(s): Sharston Ward

Applicant: Mr Paul Weall, 2 Marne Avenue, Manchester, M22 4RP

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 29 November 2022

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: none 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 Non- Material Change application is a 2 storey red brick semi- detached dwellinghouse. It has garden area to front, side and rear. It has hard -standing for a vehicle to park off road accessed off Marne Avenue. The property itself has a bay window to the front at ground level, and the boundary treatments comprise of timber panel fence and established hedges. The rear garden is accessed through the gate at the side of the property. The garden to the rear is laid mainly to lawn. The property is located within the Sharston 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 Hollyhedge Park further east of the site. The property is within easy access to a range of local services and sustainable transport networks.

Description of development

The proposal is for a non- material change application for an increase in the rearward projection of the single storey rear extension element of the previously approved householder application ref 133863. The application was for the erection of a 2 storey side extension, single storey rear extension and a front porch. The single storey rear extension as previously approved was 1.9 rearward projection by 2.4m wide. The materials will match those of the existing property, with some areas of white render introduced as a detail.

The proposed change would take the single storey rear store extension to 2.587 metres, a total increase of 67.5 centimetres.

Consultations & Notification Responses

None required.

Issues

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 - Spatial Principles

DM1 - Development Management 1

The relevant UDP policies for this application are:

DC 1.1 - 1.6 - Residential Extensions

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

126. The creation of high- quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

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 current application seeks a non-material amendment to the permission to allow amendments to the original approved scheme to increase the rearward projection of the single storey rear store by 65 centimetres.

Following a review of the proposed drawings it is considered that the changes are believed to be material as the projection of the proposed extension would increase from 1.9 metres to 2.587 metres for the full width of the extension at the rear.

Therefore, the changes from the approved drawings are considered to be material in nature and therefore the current application must be refused.

The increased projection of the extension could give rise to impacts on residential amenity which require further notification of neighbouring properties.

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

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

- 1) The proposed amendments relate to the increase in length of the proposed rear store from 1.912 metres to a rearward projection of 2.587 metres, a total increase of 67.5 centimetres.
- 2) Following an assessment of the details submitted, the City Council as local planning authority can confirm that the proposed amendments are not considered to be of a non-material nature. This is due to the increase in the rearward projection of the rear extension when compared to the original approved extension allowed by application reference: 133863/FH/2022 and could give rise to impacts on residential amenity which require further notification of neighbouring properties.

Given the difference between the approved plans and those now proposed, the Council can confirm that the proposals 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 45M
Area Team Boundary - Name: SOUTH AREA