

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134314/NMC/2022

Date registered valid: 18 July 2022

Proposal: Non material amendment planning permission attached
130248/FO/2021 to create an enlarged two storey rear extension to
No.42

Address: 42 and 44 Kendall Road, Manchester, M8 4NF

Ward(s): Higher Blackley Ward

Applicant: Mr Kamal Ahmed, 42 Kendall Road, Manchester, M8 4NF

Agent (if any): Mr M. Amjad, 77 Fields New Road, Oldham, OL9 8BT

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 10 August 2022

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

The application property relates to a two storey, semi-detached dwellinghouse incorporating a front porch.

The application property (No.42) applied for joint planning permission with No.44 for two storey side and rear extensions, approved on 15 September 2021 (Ref: 130248/FO/2021).

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in character, largely comprising two storey, semi-detached dwellinghouses.

Description of development

Non material amendment planning permission attached 130248/FO/2021 to create an enlarged two storey rear extension to No.42

Consultations & Notification Responses

None

Issues

Materiality

It is not considered that the proposed increase in extension size is of a non-material nature and would require a new application for planning permission.

The proposed changes involves an enlarged footprint of 6.46 sqm at two storey level and would therefore be materially different to the host planning permission.

Due to the increase in footprint and scale, bringing the proposed extension closer with the neighbouring property at No.40, there is potential for impacts associated with the increased scale and proximity to No.40. This impact require consultation with neighbouring occupiers and assessment against Development Plan policy. On this basis, the amendment is not considered to be non-material.

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 increase in the footprint of the rear extension to No.42 Kendall Road at both ground and first floor level.

2) Following an assessment of the details submitted, the City Council as Local Planning Authority do not consider that the proposed amendment is of a non-material nature.

Due to the increase in the building footprint of 6.46 sqm, coupled with the two-storey scale and the potential impacts to neighbouring residential amenity, the proposed changes would require renotification of neighbouring occupiers.

Given the difference between the approved plans and those now proposed, the Council can confirm that 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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA