

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.
23/01353/ANMCASE OFFICER
Bob MellingDATE
21st December 2023**Address:** 56 Gloucester Avenue, Heywood, OL10 2PY**Proposal:** Application for non-material amendment to planning permission 23/00338/HOUS replacing the dual-pitched pitched roof on the proposed outbuilding to a flat roof

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RC

DATE: 10.02.24

SITE

The application refers to no. 56 Gloucester Avenue, a two-storey, detached dwelling located in Heywood. The dwelling faces southeast on to the highway, adjacent to no. 54 to the southwest and no. 4 Honiton Close to the northeast.

PROPOSAL

The application seeks a non-material amendment to planning permission 23/00338/HOUS. The non-material amendment seeks to alter the roof of the approved outbuilding from a dual-pitched design to a flat roof with two roof lights.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

23/00992/ANM Application for non-material amendment to planning permission 23/00338/HOUS relating to condition 2 plans

Decision: Grant subject to conditions

23/00338/HOUS Part first floor, part two storey, part single storey side and rear extension, alterations to existing front and side fenestration and erection of single storey outbuilding following demolition of existing conservatory.

Decision: Grant subject to conditions

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

ANALYSIS

Paragraph 002 to section 17a of the National Planning Practice Guidance (NPPG) states that:

'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990'.

Therefore, the purpose of the application is to seek the Council's determination as to whether the changes to the previously approved plans are sufficiently material in their nature and in the context of the approved development so as to require a fresh planning permission or not. Non-material amendment applications are not an

application for planning permission, do not result in the issuing of a new planning permission and relate only to the amendments sought.

The NPPG further adds that the issuing of an approval for a non-material amendment application: 'only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.'

The application seeks a non-material amendment to planning permission 23/00338/HOUS. The alteration would see the roof of the approved outbuilding from a dual-pitched design to a flat roof with two roof lights.

In many instances a proposal that includes an entirely new roof form would comprise a material change to the development. Nonetheless, when looking at the site context and in particular the backdrop to the application it is considered that the impact of change would not be material. The rear boundary of the host property, where the outbuilding would be sited, borders on a vegetated screen for an industrial park. This location means that there would be no public visibility of the development. Additionally, given the development would result in an overall reduction in the height of the building, visibility from the neighbouring gardens would also result in a reduction in the developments visibility.

It is accepted that visibility of a development should not entirely determine the materiality of a proposal. It is however a factor and taking this into account alongside relatively minor scale of development, it is considered that the change to the roof would constitute, in this instance a non-material amendment to the original planning permission for the purposes of Section 96A of The Town and Country Planning Act 1990 (as amended).

RECOMMENDATION: GRANT subject to the following condition:

1. This permission relates to the following plans:-
 - Proposed Outbuilding. Drg no. 044ROC-106C

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved policies of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

Notes for Applicant:

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 23/00338/HOUS and all conditions that were imposed on the previous planning permission remain.

Report Author Bob Melling