

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00878/ANM

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 07.10.2024 **EXT OF TIME** 1.11.24

Address: 523 Rochdale Road Middleton Rochdale M24 2GN

Proposal: Application for non-material amendment to planning permission 21/01747/HOUS for addition of roof light to rear elevation; chimney to side elevation; change to render from brick to part front elevation

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/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

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
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CHECKED AND SIGNED OFF BY: LA **DATE:** 12.11.24

SITE

The application relates to 523 Rochdale Road. The original permission 21/01747/HOUS for a single-storey side and rear extension, side porch extension, application of render to existing dwelling and alteration to fenestration to east side elevation, following demolition of existing rear conservatory.

The site consists of a detached bungalow with off street parking, front and a rear garden. The dwelling fronts Rochdale Road however sits above the road.

PROPOSAL

This application seeks a non-material amendment to Planning Permission 21/01747/HOUS. The amendment comprises of adding a roof light on the rear elevation, chimney on the side elevation and changing part of the gable end from brick to render.

RELEVANT PLANNING POLICY

Local Planning Authorities are enabled to make changes to planning permission; 1990 Planning Act (as amended), section 96A provides:

96A Power to make non-material changes to planning permission

(1)A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3)The power conferred by subsection (1) includes power—

(a)to impose new conditions;

(b)to remove or alter existing conditions.

It is clear that provided *they are satisfied* that the change is not material Rochdale BC can *make a change* to the original permission.

RELEVANT SITE HISTORY

21/01747/HOUS - Single-storey side and rear extension, side porch extension, application of render to existing dwelling, alteration to fenestration to the east side elevation following demolition of existing rear conservatory – approved

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

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

ANALYSIS

This application relates to a dwelling on Rochdale Road, planning permission was originally granted under reference 21/01747/HOUS. The approved scheme was for a

single-storey side and rear extension, side porch extension, application of render to existing dwelling and alteration to fenestration to east side elevation, following demolition of existing rear conservatory.

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.

Paragraph 008 to section 17a of the NPPG states that in making decisions on non-material amendment applications, the local planning authority should take into account:

'the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.'

Paragraph 011 to section 17a of the NPPG states 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.'

Section 96A of the Town and Country Planning Act 1990 also allows for new conditions to be imposed, or existing conditions to be removed or altered in the issuing of a decision for a non-material amendment application.

The proposal seeks to alter the roof on the rear elevation by adding a roof light. The proposed alteration to the roof will not have a negative effect on the amenity of neighbours. To the rear of the site is Pennine Edgar Wood, therefore there are no dwellings to the rear. The proposed amendment will not have a negative effect on the character of the area.

The proposal also seeks to add a chimney to the side elevation. This is small in scale and will not exceed the highest part of the ridge, Render is proposed on a different section of the front elevation, the proposed render will be seen from the highway. This will not have a negative effect on the surrounding area as render is a characteristic of the dwelling itself and neighbouring dwellings. As a whole the changes will not materially alter the approved scheme and would not result in a material change.

Summary

The effects of the proposed amendments to the planning approval 21/01747/HOUS would not, either in isolation or combination, materially alter the impact of the approved

development. The amendments would result in no greater material impact than the development as previously approved and, therefore, constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

GRANT subject to amended Condition 2:

2. The permission relates to the following plans:

- Existing Location & Site Plan: 777-00
- Existing Ground Floor Plan: 777-01
- Existing Elevations: 777-02
- **Proposed Floor Plan: 777-03 d**
- **Proposed Elevations: 777-04 e**
- Proposed Location and Site Plan: 777-05

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 and the National Planning Policy Framework.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 21/01747/HOUS, and all conditions that were imposed on the previous planning permission remain.