

APPLICATION NUMBER: 23/00729/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00729/ANM	Rosalind Gralton	31 July 2023

Address: 13 Broadhalgh Avenue Rochdale Rochdale OL11 5LW

Proposal: Application for non-material amendment to planning permission 15/01450/FUL for change of external materials and opening sizes

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
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RK

DATE: 02/08/2023

SITE

The application relates to land to the rear of 13 Broadhalgh Avenue (The Red House). Planning permission was granted in October 2016 for an enabling development scheme for the erection of two dwellings within the garden area, to enable the restoration of The Red House.

PROPOSAL

The amendments to the proposed dwellings include

- Alterations of external materials
- Increase in size of glazing to windows across all elevations

RELEVANT PLANNING POLICY

National Guidance

Section 96A of the Town and Country Planning Act 1990

National Planning Practice Guidance (NPPG). The government published its PPG on 6 March 2014 which is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

RELEVANT SITE HISTORY

15/01450/FUL	Erection of two dwellings to enable the restoration of Red House (Resubmission of 14/00684/FUL) – Granted STC
19/00541/DOC	Submission of details to comply with conditions 4 (Site Investigation), 5 (Levels), 6 (Vehicular Access Details), 7 (Drainage), 8 (AMS) and 12 (landscaping) of planning permission 15/01450/FUL – Request Completed
19/01394/CPE	Excavation of trenches to contain part of foundations pursuant to planning permission 15/01450/FUL – Grant lawful development certificate
20/01573/DEM	Prior approval for the demolition of a single storey outbuilding with a total volume of 61 cubic metres – Grant subject to conditions
22/01242/FUL	Restoration of Red House building to 5 bedroom dwelling including two-storey side extension, single storey front and rear extensions including terrace at rear, insertion of first floor window to side elevation and bi-folding doors on ground floor, construction of 2 4no bedroom detached dwellings, associated parking, landscaping and formation of access road following demolition of a single storey garage and outbuilding - Withdrawn

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In line with the Council's Code of Publicity, no direct notification was carried out for this application.

ANALYSIS

The PPG states that there is no statutory definition of 'non-material' in respect of non-material minor amendments. 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. This stipulates that 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.

Section 96A of the Town and Country Planning Act 1990 states that in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under S96A (as a NMA), on the planning permission originally granted.

The proposed amendment would materially change the appearance of the dwelling, through a clear and obvious change in the materiality of the dwellings. This would have a materially different impact upon the adjacent Grade II listed building and identified heritage assets. While conditions are attached to the original permission securing details of the materials submitted prior to submission, these are also included within the approved plans. The increase in size of window openings and alteration to their opening arrangements would also have a material change upon the appearance of the previously approved dwelling and would appear discernibly more contemporary in their design and appearance.

It is also noted the increased size of the glazing may give rise to materially different relationships with surrounding dwellings, particularly in respect of overlooking.

As such the LPA are not satisfied that this amendment would not have any material effect on the planning permission originally granted and is therefore refused.

While not included in the description of this application, the LPA notes the submitted drawing 'Plans as Proposed materials amendments SK01 Drawing No 21 – June 2023' also includes alterations to the proposed site plan, which include the addition of a detached garage to the front of the Red House (which was not previously consented), as well as various extensions to the Red House. These would not be considered non-material by virtue of being features which comprise development and thus require planning permission in their own right.

RECOMMENDATION

REFUSE for the following reason:

1. In accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015, the revised details submitted cannot be considered as a non-material amendment to the existing planning permission. The revisions proposed are considered to be a material change and therefore require the submission of a new planning application. In particular, the proposed amendments to increase the size of the window openings and change the design of the proposed dwellings, would result in a material change to the visual appearance and impact to designated and non-designated heritage assets, in addition to a materially different relationship with neighbouring properties.

Notes for Applicant:

For the Avoidance of doubt, this decision relates to the following plans:

- Location Plan
- Plans as Proposed materials amendments SK01 Drawing No 21 – June 2023

Report Author Rosalind Galton