

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.
23/00177/ANMCASE OFFICER
Bob MellingDATE
8th March 2023**Address:** 10 Green Mount Drive, Heywood, Rochdale, OL10 2LZ**Proposal:** Application for non-material amendment to planning permission 22/00350/HOUS reduction in proposed garage length, including change from flat to pitched garage 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	REFUSE
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CHECKED AND SIGNED OFF BY: RC

DATE: 09.03.23

SITE

This application refers no. 10 Green Mount Drive, a detached bungalow situated on a cul-de-sac in Heywood.

PROPOSAL

The application seeks a non-material amendment to planning permission 22/00350/HOUS. The alteration would see the length of the garage reduced and the roof form of the garage altered from a flat roof to a pitched roof.

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

22/00350/HOUS - Single storey rear extension, raised patio, single storey attached garage, detached outbuilding, front canopy, addition of two roof lights and addition of cladding to front and side elevations, following demolition of existing garage and 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

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.'

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 reduction in length of the garage would have limited public visibility and would neither harm nor enhance the visual amenity of the host dwelling. As such, this amendment to the proposal can be considered as non-material.

However, the alteration of the garage roof form from flat to dual-pitched would visually alter the frontage of the building as seen from the street scene, resulting in an alteration to the character and appearance of the extension and host dwelling. This amendment to the plans is therefore considered to be a material change from the development previously approved and it would, therefore, not 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: Refuse

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 proposal cannot be considered as a non-material amendment to the existing planning permission. The proposed alteration in roof form would represent a material change to the appearance of the extension and the character of the dwelling. The proposal will therefore require an application for planning permission.

Notes for Applicant:

For the avoidance of doubt, this decision notice relates to the following submitted plans:

- Proposed Site and Location Plans. Drg no. GMD-SVA-ZZ-ZZ-DR-A-2001 Rev C
- Proposed Floor Plans. Drg no. GMD-SVA-ZZ-ZZ-DR-A-2010 Rev D
- Proposed Elevations. Drg no. GMD-SVA-ZZ-ZZ-DR-A-2020 Rev A