

APPLICATION NUMBER: 24/01236/ANM

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01236/ANM

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 14.01.2025 EXT OF TIME 13.02.2025

Address: 15 Canterbury Close Rochdale Rochdale OL11 5LZ

Proposal: Application for non-material amendment to planning permission 23/00576/HOUS to change location of the ground floor sitting room window to the rear elevation and glazed door to the utility in place of approved utility window

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

SITE

This application relates to 15 Canterbury Close, a two-storey detached residence located in the Bamford ward of Rochdale and at the head of a cul-de-sac. The property benefits from off street parking, front and rear garden.

The original permission 23/00576/HOUS was for a two-storey rear extension following the demolition of existing conservatory, insertion of 2 no first floor windows on the side elevation and the addition of a Juliette balcony on the return side elevation of the extension.

PROPOSAL

The application seeks a non-material amendment to Planning Permission 23/00576/HOUS the amendment consists of changing the ground floor sitting room window to the rear elevation and glazed door to the utility in place of approved utility window.

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

23/00576/HOUS - Two-storey rear extension following demolition of existing conservatory, insertion of 2 no first floor windows on the side elevation and the addition of a Juliette balcony on the return side elevation of the extension – Approve

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 Canterbury Close, planning permission was originally granted under reference 23/00576/HOUS. The approved scheme was for a two-storey rear extension following the demolition of the existing conservatory, insertion of 2 no first floor windows on the side elevation and the addition of a Juliette balcony on the return side elevation of the extension.

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.

Internally the proposed layout is changing, the sitting room and utility are swapping. This results in the external change of the ground floor sitting room window, this is moving to the position of the utility window. The approved sitting room window will become a door into the utility.

The proposed changes will not have a negative effect on the privacy of neighbours as the changes are on the ground floor and privacy has been assed under 23/00576/HOUS. The proposed utility and sitting room will have sufficient light and outlook.

Summary

The effects of the proposed amendments to planning approval 23/00576/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. This permission relates to the following plans:-

- Location Plan
- 23-018-301 Proposed Site Plan
- 23-018-311 Rev A Roof Plans
- 23-018-310 Rev C Proposed Plans
- 23-018-320 Rev E Proposed Elevations

and the development shall be carried out in complete 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 Rochdale Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVE:

This decision notice is to be read alongside that issued with planning permission 23/00576/HOUS, and all conditions that were imposed on the previous planning permission remain.

Report Author Aimee Bovaird