DELEGATED DECISION REPORT

NMA/2020/0033 **Valid 05/08/2020**	**HEATHER HILLS BIRCHALL LANE** **LEEK**	**NON MATERIAL AMENDMENT IN RELATION TO SMD/2018/0434** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

- Whether or not the proposed amendment to the approved application is material

DESCRIPTION OF SITE

The application site comprises a detached dwelling, with driveway and gardens, at the northern end of Birchall Lane, Leek. Birchall Lane is a private road, accessed off Cheddleton Road, at the edge of Leek but within the built-up area boundary. The site slopes up from the road towards the north. The nearest property is the bungalow Birchall Edge approximately 25 metres to the north-east.

Full planning permission was granted in 2018 for a side extension to the garage and the extension of the garage roof to form a studio space above.

PROPOSAL

The application seeks approval for a non-material amendment to the approved plans. As shown on the submitted plans, a flat roof dormer is proposed on the approved garage extension, with the addition of two rooflights to the front elevation.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0434 - Proposed extension to existing garage to form double garage with studio space above
APPROVED 28/09/2018

CONSULTATIONS

Publicity

Site Notice expiry date: n/a
Neighbour consultation period ends: n/a
Press Advert: n/a

Public Comments - n/a

Town / Parish Comments - Not unneighbourly
Environmental Health - n/a
Staffordshire County Council Highways – n/a

OFFICER COMMENTS

Principle of Development

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.

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 this section, on the planning permission as originally granted.

The approved plans show a triangular glazed dormer, with a new rooflight placed either side. A flat roof style dormer clad in grey UPVC is now proposed, with the rooflights both adjacent to it to the right. In addition, the number of rooflights on the front elevation is proposed to increase from two to four. It is considered that the change to the rooflights will have very little impact on the appearance of the dwelling and will not be detrimental to neighbour amenity.

The change to the dormer window is significant, however. It is acknowledged that due to the siting of the dormer on the rear of the dwelling, and the absence of neighbours in close proximity, the change does not present any amenity issues. However, the new dormer is significantly larger, of a different, flat roof design, and in an altered position on the roof. This is a fundamentally different design to the small triangle which related well to the pitched roof dormers on the existing dwelling, and it will consequently have a materially different impact on the design of the dwelling than the existing approved scheme.

The proposed changes are consequently considered to result in a material change to the character and appearance of the dwelling, despite having no adverse impact on the residential amenities of surrounding neighbours. The proposal, as a result, cannot be considered "non-material".

CONCLUSION / PLANNING BALANCE

In summary, it is considered that within the context of the original application the proposed changes are of a material nature. Therefore it is recommended that The proposal is refused as an NMA.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 22/10/2020

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council