

DELEGATED DECISION REPORT

NMA/2021/0030
Valid 25/10/2021

31 WOODWIND
STONEHEADS
WHALEY BRIDGE

NON-MATERIAL AMENDMENT
TO PLANNING APPLICATION
HPK/2011/0430

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- The main issue relates to whether the proposed amendment to the approved scheme is non-material in nature.

DESCRIPTION OF SITE

The application site is a fairly substantial modern 1970's dwelling situated on a large wooded plot off a private lane within the hamlet of Stoneheads. It lies in an area of open countryside which is also designated green belt.

Under the original application the dwelling was described as being '...of little architectural merit and has been extended in the past. It is not a property which respects the local vernacular style, however due to its secluded and wooded location is not visible at all to the surrounding countryside'. The dwelling is constructed in a mix of brick, stone and render with concrete roof tiles.

PROPOSAL

The current application seeks a NMA (Non-Material Amendment) under section 96A of the Town and Country Planning Act 1990 (as amended), to planning permission ref: - HPK/2011/0430, approved 23 November 2011.

The original planning permission included additions to the property which comprised of: -

- Rebuilding of car port as a rendered pitched roof addition to be used as a utility room/store;
- Conversion of existing attached garage into kitchen;
- Demolition of rear timber flat roofed dining room extension and replacement with rendered pitched roof family room;
- New fenestration to northern elevation to provide French style windows;
- First floor extension above existing flat roofed terraced area to provide additional bedroom. This will involve removal of existing dormer.
- New pitched roof dormer to match existing;
- New fenestration to south elevation to provide French style windows.

The original submission for this application included a proposal for a detached double garage. This element of the application was later removed from the scheme, as inadequate information had been provided regarding impact on trees and extent of curtilage. Condition 3 was included for the avoidance of doubt.

The current NMA application seeks consent for the following alterations to the approved scheme: -

- A new balcony off the lounge (previously known as the drawing room in the original planning permission) on south elevation;
- A new window to the lounge on the east elevation;
- Removal of the door and alterations to the windows in the utility room, moving from the south elevation to the west;
- A new dormer window to bedroom 1 on the east elevation;
- A new dormer window to bedroom 2 on the east elevation;
- A new dormer window to the newly created bedroom 4 on the north elevation;
- New glazed external doors/Juliet balcony to bedroom 3 on the east elevation, including an apex window above and alteration to the doors and Juliet balcony on the ground floor below;
- Existing dormer to the landing removed and replace with roof-light, connecting to a double height, fully glazed section of curtain walling, also proposed in this amendment application, on the south elevation;
- Increase in the footprint of the 'family' room on the east elevation.

OFFICER COMMENTS

There is no statutory definition of 'non material' as the context of each site and the nature of the proposed amendment needs to be considered on an individual case by case basis. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant permission under Section 96A of the Town and Country Planning Act 1990. This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

In this case the proposed amendments are significant and alter every elevation to some degree; whilst some may be considered non-material in isolation, the culmination of all of these changes has the potential to alter the scheme beyond that which was considered and granted under original planning permission. Other alterations likely require planning permission in their own right and therefore are not 'non-material'.

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply.

It is noted that the proposed changes to fenestrations and the addition of dormer windows and a balcony have the potential to have a direct harm in terms of overlooking/impact loss of privacy, on the neighbouring properties No.19 and No.29 Stoneheads, both of which fall within 21m of the application site. The proposed alterations would therefore result in a material change to the relationship with the neighbouring properties enough to warrant additional scrutiny through consultation and a thorough, formal officer assessment.

It is also of note that the original planning permission includes the statutory condition that the development must be begun not later than the expiration of three years from the date of the permission, the determination date being 23 November 2011. The decision notice for the original planning permission does not appear to include any conditions that require discharging pre-commencement.

The applicant has included the annotation to the 'family' room on the east elevation 'Foundations constructed & approved by High Peak Council Building Control'; however, no further details have been provided.

A non-material amendment application, if successful, would not create new planning permission and the original permission would still stand, but would be modified as detailed by the non-material amendment decision, extant or not. Therefore it is not the role of this application to consider if the permission is in fact extant.

No direct evidence has been provided to categorically confirm that a material operation comprised in the development has begun, as per section 56(4) of the Town and Country Planning Act 1990. However, it is noted that the current proposed includes the increased footprint of the 'family' room and therefore it is not clear if the foundations will be extended to accommodate this or whether they were laid as per the proposed amendment, in breach of condition 2 (approved plans) on the original planning permission.

CONCLUSION / PLANNING BALANCE

The proposed amendments are considered to be 'material' in this instance, in the context of the original application and therefore cannot be granted under the current NMA (Non-Material Amendment) application under section 96A of the Town and Country Planning Act 1990 (as amended).

Due to the nature of the proposed changes, additional consultation and officer assessment under the relevant policies contained in the High Peak Local Plan and the NPPF, are considered necessary, which may require the inclusion of additional conditions, which is not possible under section 96A, or indeed refusal, if significant harm is demonstrated.

For the reasons outlined above, it is therefore recommended that this non-material amendment application be refused.

OFFICER RECOMMENDATION :

Case Officer: Owen Gore

Recommendation Date: 25/11/2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council