DELEGATED DECISION REPORT

NMA/2023/0003 **Valid 15/02/2023**	**GORSEYDALE** **CHEDDLETON HEATH ROAD** **LEEK**	**NON MATERIAL AMENDMENTRELATING TO SMD/2020/0218** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

The impact on the character and appearance of the area.
The impact on residential amenity.

DESCRIPTION OF SITE

The site is within the countryside between Leekbrook to the north and Cheddleton to the south, outside of the defined development boundaries of the villages. It is not in the Green Belt. It comprises an open plot of land to the south of a dwelling which faces Cheddleton Heath Road to the north. There are neighbouring houses to the west and east sides of the current dwelling forming a long strip of spacious ribbon development. Open fields lie to the south.

PROPOSAL

This is a Non Material Amendment application. Outline planning permission was granted for two detached dwellings on the plot and the subsequent "Reserved Matters" planning application (for scale, siting, appearance and landscaping details) was also approved. The applicant wants to make changes to the proposed levels of the back garden of one of the plots, Plot 1 in the east part of the site. The garden area lies to the south-east of the proposed new house. The land slopes upwards towards the south-east and the applicant wants to enlarge the patio area, level with the ground floor of the house, which due to the sloping land will result in further ground extraction into the slope than that previously approved and result in a stepped terrace approach up the slope, further to the rear than that already approved.

The Council must decide if the alteration can be treated as a "Non Material Amendment" to the approved scheme in terms of whether or not the alteration has any significant additional impact on the character, appearance and amenities of the area and the surrounding environment in general. If it is considered to have significant impact, the application would be refused and a new full, outline or Reserved Matters planning application would be required to be submitted for the alteration to the scheme.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

DC1 – Design Considerations

NPPF (Revised July 2021)

Sections 12 (Design).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0494: Previous outline planning permission for the two houses.

SMD/2020/0218: Reserved Matters approval.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

OFFICER COMMENTS

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.

The enlargement of the ground floor level patio to the rear of the rear wall of the proposed house and the changes to the ground formation and terracing to the rear of the patio on the upward slope would be in the direction of open land to the rear of the neighbouring existing property as the rear boundary of the that property is to the north of where the proposed alterations to the ground would take place. The works would remain well screened from outside of the site by the sloping land to the south and the tree and vegetation screening along the south (rear) and side (east) boundaries of the site. The works would also not allow any further degree of overlooking into the neighbouring residential property to the east in relation to what has already been approved. The additional ground extraction would not have any additional impact on the character and appearance of the landscape or the environment in general.

CONCLUSION / PLANNING BALANCE

The proposed amendments will not cause any significant additional harm to the visual or residential amenities of the area and therefore can be treated as a Non Material Amendment to the previous approvals and therefore the Non Material Amendment application can be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 14.4.23

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council