

DELEGATED DECISION REPORT

NMA/2024/0009
Valid 18/04/2024

THE BUNGALOW
CARAVAN
CHEADLE ROAD
CHEDDLETON

APPLICATION FOR A NON-
MATERIAL AMENDMENT TO
CHANGE BUILDING
DIMENSIONS AND
ELEVATIONAL DETAILS IN
RELATION TO APPLICATION
SMD/2021/0658

MAIN ISSUES

- Whether the changes can be considered non-material
- Neighbour amenity
- Design appearance

DESCRIPTION OF SITE

Permission was granted on 1st April 2022 for 'a new detached self-build dwelling house' under planning reference SMD/2021/0658.

The site was described in the officer report dated 31.03.2022 as comprising a dwellinghouse made up of a static caravan with various extensions that had been located on the plot since 1966. It is sited to the rear of the garage associated with the adjacent dwellinghouse, 'The Old Coal Yard'. The application site is located within the 'smaller village' of Leekbrook. A detached bungalow is located to the northwest, a recently constructed detached 2.5-storey dwellinghouse with a 1.5-storey detached garage is located to the northeast. Open fields surround the southern and eastern boundaries of the site. The application site is accessed from Cheadle Road, past a row of terraced cottages, where the access opens out onto a large yard area that it utilised by the 3no. dwellinghouses.

PROPOSAL

In an accompanying letter to this NMA the agent explains:

The applicant has been seeking to agree access to third party land to the south of the site in order to facilitate the construction of the approved dwelling, but his attempts have been un-successful. As a consequence he needs to reduce the size of the dwelling so as to move the building in from the southern site boundary.

Revised plans are enclosed showing the resultant changes to the appearance of the dwelling, which in essence show a reduced building width. Whilst the bulk and appearance of the dwelling will differ from that previously approved, it will represent a reduction in size over that approved under the existing

permission, and will not give rise to any new material planning issues over and above those previously considered. We consequently request that these changes be approved as non-material amendments to the approved scheme.

The wording for the description of the NMA was changed by agreement with the agent confirmed by e-mail.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS9 Smaller villages area strategy
DC1 Design Considerations
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0119 – proposed new detached self-build dwellinghouse – withdrawn
SMD/2021/0658 – proposed new detached self-build dwellinghouse – approved
DOC/2022/0041 re SMD/2021/0658 is recorded on ILAP as PENDING. However reference to the file shows that in a letter dated 26th April 2023 the majority of conditions have been discharged.

CONSULTATIONS

Publicity

Whether publicity is required is addressed at PPG 005 Reference ID: 17a-005-20140306. The paragraph reads:

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. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

Taking the above into account no publicity or consultation has been undertaken in this case.

OFFICER COMMENTS

Principle of Development

The principle of the development is confirmed to be acceptable by the grant of the 2021 consent SMD/2021/0658.

The Government's Planning Practice Guidance (PPG) states:

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.

Wording in the above referenced legislation (96A) says:

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 [or permission in principle] as originally granted.

The legislation at s.96A sub-section 3 includes the power:

- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

The PPG says:

This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

Design including amenity

The approved plans under SMD/2021/0658 are listed in the decision as follows:

- 0001 location
- 0002-A site block plan
- 0200 (received on 24/03/2022) ground floor
- 0201 (received on 24/03/2022) first floor
- 0202 (received on 24/03/2022) second floor
- 0300 (received on 30/03/2022) north elevation
- 0301 (received on 24/03/2022) east elevation
- 0302 (received on 30/03/2022) south elevation
- 0303 (received on 30/03/2022) west elevation

Revised proposed plans submitted with this NMA application are as follows

- 0001 A – location plan
- 0002 B – site block plan
- 0200 A – ground floor plan
- 0201 A – first floor plan
- 0202 A – second floor loft
- 0203 A – Roof level
- 0300 A – North elevation
- 0301 A – east elevation
- 0302 A – south elevation
- 0303 A – west elevation
- 0400 A – section drawing

The main basis for the application amendment is understood to be about positioning the building away from the southerly (south west facing) boundary. There appear also to be some perceptible changes to the position of the westerly (north west facing) boundary adjacent to The Bungalow. These latter are certainly minor and will be inconsequential subject to being carried out by the developer with full agreement with the adjacent owner of The Bungalow. It is noted that in the original SMD/2021/0658 application a Certificate B was included to state that this adjacent owner had been served with notice of the development. The agent has confirmed that the applicant's difficulties with regard to the southerly field land boundary are unconnected with The Bungalow / owner of The Bungalow.

The reduced size of the proposed building in terms specifically of its width and therefore its reduced overall scale and mass in the context of this site can also readily be found to have no material consequences.

There are some design changes in the elevation details as a result the narrowed width – most particularly in the west elevation where the garage now occupies the full ground floor width and the front door has of necessity been shifted to the north elevation. The single storey north elevation appears better presented in this revision. The east elevation also seems a little better proportioned as a result of the narrowed width and the reduced strip of bi-fold doors. A very small frosted gable end window inserted against the roof verge in the north end is somewhat ill-

positioned but in this out-of-the-way location will be little noticed and given the approved designs for the openings in the south elevation is of no material impact. As an obscure-glazed window there can be no material impact for the neighbour dwelling to the north which has its gable end facing at some 10m to 12m distance.

A cross-section drawing 0400 was submitted with the original application including a revised version dd 24.03.2022 but no sectional drawing was included on the decision notice as an approved drawing.

This NMA again includes a further revised section drawing 400A and there seems no reason not to list it with the NMA approval.

Condition 4 of SMD/2021/0658 required levels details as follows: Prior to the construction of the dwellinghouse hereby approved, details of the finished floor levels of the building hereby approved and of the ground levels of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In a letter accompanying DOC application /2022/0041 the agent addressed Condition 4 – Finished Floor Levels – as follows: I would be grateful if you would find attached a copy of drawings 0200, 0201, 0202 and 0400 which show the proposed finished floor levels of the proposed dwellinghouse. I trust these details will meet with your approval.

As noted, approval of those details has been issued in 2023 prior to this NMA application.

The top ridge height is unchanged between the 158300mm shown in the DOC plan and the latest section dwg 400A. The lower of the two internal finished ground floor levels is also unchanged (though a step up to a slightly higher ffl over part of the site has been eliminated). Eaves height is now shown at 154290mm whereas in the DOC this was 154490 – a difference of 20cm. Roof slope angle appears unaltered and therefore no consequences are found in planning design terms.

CONCLUSION / PLANNING BALANCE

It can be accepted that the changes proposed with this amendment application are non-material for the reasons considered and discussed in the report.

OFFICER RECOMMENDATION : Approve

Case Officer: Arne Swithenbank

Recommendation Date: 16.05.2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council