

DELEGATED DECISION REPORT

NMA/2024/0022
Valid 07/08/2024

ORCHARD LEA
CLEWLOWS BANK
STOCKTON BROOK

**APPLICATION FOR A NON-MATERIAL AMENDMENT TO -
ALTER THE GARAGE TO A
SINGLE GARAGE.
ADDITIONAL WINDOW ADDED
TO THE GABLE-END. THE
OVER SIZE OF THE GARAGE
HAS BEEN ALTERED,
INCLUDING THE MATERIAL
USED.
IN RELATION TO
APPLICATION SMD/2023/0427**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

The main issue relates to whether the proposed amendments to the approved scheme are non-material.

DESCRIPTION OF SITE

The application site relates to a semi-detached dwelling and its associated curtilage, situated in the Bagnall and Stanley ward. The property is located within the Green Belt, where development is more restricted. The property benefits from a garden, driveway and garage to the front with a private garden to the rear. The site is enclosed by neighbouring dwellinghouses to the North and South. Sunny Bank, Clewlovs Bank (the adjoining neighbour) is situated to the North of the site. The rear curtilage of the site adjoins the rear curtilages of No. 5, No. 7, The Hollies No. 9 and Woodlands No. 11 Moorhead Drive to the South. The Clewlovs Bank highway runs adjacent to the proposed site on the West.

PROPOSAL

The proposed amendments to the approved plans consist of altering the garage to a single garage, the addition of a window to the gable-end and the overall size of the garage being altered, including the material used. These amendments have been requested due to client preference. There have been no other alterations proposed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2022/0580 – Proposed rear extension. Approved.

SMD/2023/0427 – Creation of a double garage to replace the existing car port. Approved.

NMA/2024/0015 – Application for a non-material amendment in relation to SMD/2022/0580. Approved.

NMA/2024/0016 – Application for a non-material amendment in relation to application SMD/2023/0427. Alter the garage to a single garage with a covered timber frame carport. Additional window added to the gable-end. Refused.

CONSULTATIONS

There is no statutory requirement to consult on an NMA application.

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.

This application seeks to confirm whether alterations to the approved plans for the creation of a double garage to replace the existing car port under the application SMD/2023/0427 would constitute a non-material amendment. The alterations consist of altering the garage to a single garage and the addition of a window to the gable-end. The overall size of the garage has been altered, including the material used. No further alterations have been proposed.

With regard to the nature and scale of the proposed amendments, it is considered that the amendments would not materially alter from the approved development scheme. The addition of the apex window to the gable end would be considered non-material. The window is small in size and positioned above the average natural eye level, meaning that it would not impact the privacy amenity of any neighbouring dwellings.

The approved garage door has been altered to a larger anthracite grey garage shutter door and the approved side door has been altered to a set of double doors in anthracite grey UPVC. Additionally, a set of the same double doors would replace the approved single door on the other side elevation of the garage. The window on the West facing side elevation of the garage would be removed and the window on the East facing side elevation would be altered to a smaller sized window. As the garage will be largely screened by existing tree planting when viewed from the highway, as well as substantially set back from the highway, these alterations would not be considered to materially impact the approved scheme or wider street scene. Furthermore, as the doors would all be solid with no glazing, no overlooking could occur as a result of their addition. The reduction in the number and size of windows would in fact better protect neighbour amenity.

Although there are some proposed alterations to the approved materials, including the change from slate roof tiles to clay roof tiles and the addition of a band of blue engineering bricks to the bottom of the garage, these alterations are considered acceptable. The new materials would remain in keeping with the host dwelling and surrounding area.

I note that the approved garage under SMD/2023/0427 is a single garage, approved under plan reference 4783-03-03 Rev A. Therefore, no alteration to the footprint of the garage would occur. However, an approximately 3.95 metre x 9.20 metre raised platform would be added to the West facing side of the garage. This area would be raised by 0.14 metres. A raised platform of this minor height would be considered non-material.

The retaining wall on the boundary to the rear is also shown to be higher than on the approved plans. Previously this was approx. 800mm. Now it is shown at around 1.2m meaning that the overall height to the eaves on the boundary increases from approx 3.5m to approx. 4.1m. Whilst this is on the boundary with the neighbour, it is a significant distance from the neighbouring dwelling itself and therefore is not considered to have any materially greater impact on the amenity of the neighbour, particularly in light of the significant garden area enjoyed by the property.

On the whole, the proposed alterations are considered to be minor in nature and would not adversely affect the character or appearance of the development as approved. Thus, the character of the building and surrounding area would be maintained as a result of the alterations to the approved development.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed changes are non-material. The amendments would not have a detrimental visual impact on the approved development site. Therefore it is recommended that the application is approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 06/09/2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

