

DELEGATED DECISION REPORT

NMA/2023/0022
Valid 08/09/2023

**74, CORBAR ROAD,
BUXTON, DERBYSHIRE,
SK17 6RJ**

**NON MATERIAL AMENDMENT
RELATING TO HPK/2023/0031
(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

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

PROPOSAL

The application seeks a Non-Material Amendment to planning approval HPK/2023/0031. That permission was for a single storey side extension, to replace an existing conservatory, and reconfiguration of the front steps.

The application form describes the amendment as the “simplification of the corner of the proposed extension to increase the overall footprint . Addition of 3 windows along the West elevation of the extension”.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2023/0031 - Single storey extension to existing 3 storey residential building. Front steps to be reconfigured – Approved – 23/03/23

CONSULTATIONS

N/A

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 proposed NMA seeks to amend the approved scheme through alterations to the side extension through an increase in footprint to square off the approved stepped in design. In addition the scheme proposes the insertion of three windows within its side elevation which would face towards No.72 Corbar Road.

The proposed alterations to the side elevation, would result in more development being sited closer to the boundary with No.72 with more openings facing towards that property. The occupants of No.72 made observations on the approved

application including comments with regard to the width of land between the development and the site boundary, stating that *"there is now no further room for expansion towards our property. The outer edge of the paving slabs is the boundary line between the two properties"*.

As there is an alteration in terms of the extent of development between the application site and its neighbour, along with an uplift in openings facing that property, it is possible that the neighbour may have further comments to make on the effect of the development on them. As a non-material minor amendments application neighbours are deprived of such an opportunity to comment and the changes may be unexpected.

Therefore, the impact of the proposed alterations would require further consideration to determine the effects of the development on the neighbour, while public consultation would be necessary.

Given the change in relationship between No.74 and 72 the proposed changes are considered to be beyond that which can reasonably be considered to be non-material in the context of the approved scheme.

CONCLUSION

In summary, it is considered that within the context of the original application the proposed changes are of a material nature and thus beyond the scope of a non material amendment application. Therefore, full planning permission would be required for the proposed alterations, and it is recommended that this application be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Declan Cleary

Recommendation Date: 19/10/23

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council