

DELEGATED DECISION REPORT

NMA/2024/0008
Valid 16/02/2024

**39, BUXTON ROAD,
CHINLEY, DERBYSHIRE,
SK23 6DJ**

**NON-MATERIAL AMENDMENT
RE: HPK/2022/0509 -
AMENDMENTS TO EXTERNAL
FINISH OF REAR DORMER
(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/2022/0509, which granted consent for a single storey rear extension and dormer within the rear roofslope to 39 Buxton Road, Chinley.

The amendment proposed is to alter the material of the dormer from its previously approved lead finish with a cedar composite cladding boards in a slate grey colour to have a textured wood finish.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2022/0509 - Rear dormer, single storey rear extension and alterations to doors and windows - Approved – 06/01/23

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 materials of the proposed dormer from its approved lead finish, to that of a composite cladding in slate grey colour. The scale, footprint and design of the proposals would remain as previously approved.

The proposed alterations would not increase the overall scale or mass of the building or development approved. As approved, the dormer is proposed to be constructed

from lead cladding this is proposed to be replaced by composite cladding in a slate grey colour.

The site is located within the Chinley Conservation Area where there is a requirement for development to preserve or enhance its character or appearance. 7.14 of the High Peak Design Guide (2018) states that, *“one of the most distinctive qualities of traditional buildings in High Peak is the use of locally sourced natural stone for walling and stone or slate for roofs. It follows therefore that, wherever possible, and particularly in sensitive locations, new buildings should be constructed from the same palette of materials”*. Paragraph 7.24 states that *“new materials need to respect the building and its setting”* and that *“modern substitute materials are less appropriate”*. 7.24 goes on to confirm that the use of upvc in protected areas, such as Conservation Areas, should not be used.

The use of such materials as proposed would introduce a material which is not traditional to High Peak and may be considered to be inappropriate. In the context of the above, and given the location of the site within the Chinley Conservation Area, the change in material could not be considered a non-material change to the approved scheme. Consultation with the Conservation Officer, Parish Council and members of the public would also be necessary.

Furthermore, paragraph 140 of the NPPF states that *“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”*. This is one such instance where paragraph 140 is directly relevant and the quality of the development may be diminished due to the change in materials proposed.

The proposed changes are not what 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 not within the scope of a non-material amendment.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary
Recommendation Date: 11/03/24

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council

