

DELEGATED DECISION REPORT

NMA/2024/0020
Valid 15/07/2024

**MOOR EDGE NEW MILLS
ROAD
BIRCH VALE**

APPLICATION FOR A NON-MATERIAL AMENDMENT IN RELATION TO APPLICATION HPK/2024/0007

CHANGES TO OPENINGS:

- FIRST FLOOR STUDY WINDOW WIDENED BY 70MM TO ENSURE WIDTH COMPLIES AS AN ESCAPE WINDOW.**
- STONE LINTELS OMITTED FROM REAR GROUND FLOOR OPENINGS.**
- MASTER BEDROOM WINDOW CHANGED TO DOORS (SAME WIDTH AS PREVIOUSLY PROPOSED WINDOW) WITH A GLASS JULIETTE BALCONY WITH NO HANDRAIL. BALCONY FIXED DIRECTLY TO THE WALL - THERE WILL BE NO PLATFORM TO STAND ON.**
- BIFOLD DOORS WITH 3 LEAVES INSTEAD OF THE PREVIOUSLY PROPOSED 4 LEAVES.**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

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

DESCRIPTION OF SITE

The site comprises a detached traditional two storey property which is set behind

properties on the Southern side of New Mills Road. A leant-to extension with a corrugated roof has been added to the rear. The site is subject to a Tree Preservation Order (2024/315) which was made on 6 February 2024 and there is evidence of recent tree removal. The application site boundary as identified on the site location plan indicates that the applicant owns land extending to the west to the rear of 93-119 New Mills Road and eastward to the rear of 69-91 New Mills Road, which is covered by the TPO.

PROPOSAL

The proposed amendments to the approved plans involve a series of alterations to the approved openings, including:

- First floor study window widened by 70mm to ensure width complies as an escape window.
- Stone lintels omitted from rear ground floor openings.
- Master bedroom window changed to doors (same width as previously proposed window) with a glass Juliet balcony with no handrail. Balcony fixed directly to the wall. There will be no platform to stand on.
- Bifold doors with 3 leaves instead of the previously proposed 4 leaves.

These alterations have been proposed to ensure that the study window complies as an escape window and for improved appearance and improved buildability. No further alterations have been proposed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2024/0007 – Two storey rear extension. Approved.

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 application seeks to confirm whether alterations to the approved plans for a two storey extension under HPK/2024/0007 would constitute a non-material amendment. The proposed alterations are detailed in the 'Proposal' section above. The applicant wishes to make these amendments so that the study window complies as an escape window and for improved appearance and improved buildability. 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. It is considered that there would not be a substantial difference between the already approved openings and proposed openings. The neighbouring properties within close proximity to the site would not be affected by the proposed alterations more than what has already been approved.

The proposed widening of the study window on the North-East facing side elevation by 70mm is considered a very minimal increase in its width and to be non-material.

Although the master bedroom window would be changed to doors with a Juliet balcony, the doors would maintain the same width as the approved window, thus it would not have a much greater impact on the character of the dwelling or wider area. Furthermore, the addition of a Juliet balcony could be made under permitted development, when the development is substantially completed. Permitted development rights were not removed as part of the earlier development proposals.

Omitting the stone lintels from the rear ground floor windows would be considered non-material, as these windows would not be visible at all from the wider public domain.

The alteration of the bi-fold doors from the previously approved four leaves to three leaves is considered de minimis. The new proposed bi-fold doors would have the exact same dimensions as the approved bi-fold doors and the amount of glazed area would only slightly increase.

The proposed alterations are considered to be minor in nature and would not adversely affect the character or appearance of the dwellinghouse as approved. Thus, the character of the building and surrounding area would continue to be maintained despite 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 not material. The proposed alterations to the approved scheme are all minor in nature and would not be out of character with the previously approved details.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 12/08/2024

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council