

DELEGATED DECISION REPORT

NMA/2024/0030
Valid 17/10/2024

33 ETHEROW WAY
HADFIELD
GLOSSOP

**APPLICATION FOR A NON-
MATERIAL AMENDMENT IN
RELATION TO APPLICATION
HPK/2024/0173**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

- Whether the amendments sought in relation to plans approved under HPK/2024/0173 are material

DESCRIPTION OF SITE

The application relates to No.33 Etherow Way, Hadfield, a two storey terraced residential property. The property like its neighbours is characterised by external walls and finished in a dark red brick with concrete tiled roof. The principal elevation is characterised by a partially open porch with a lean-to roof.

The site benefits from an extant permission granted under HPK/2024/0173 for a “front porch and the upgrading of existing porch walls”.

PROPOSAL

This application seeks to secure a Non Material Amendment to the permission granted under HPK/2024/0173 by way of substituting the approved plans with those that accompany the application submission.

As stated on the Application Form, the amendments sought which are considered to be non material by the applicant amount to the following:

- Expand the front extension to a total depth of 1500mm
- Move entrance door to side of the extension
- Incorporate 4no. windows to front elevation of porch

OFFICER COMMENTS

There is a non statutory definition of ‘non material’ as the context of each site and the nature of the proposed amendment needs to be considered on an individual case by case basis. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant planning permission, under Section 96A of the Town and Country Planning Act 1990. This procedure, which is not an application for planning permission in its own right, does not include provisions under

the Town and Country Planning (Development Management Procedure) (England) Order 2015 relating to statutory consultation and publicity.

A non-material amendment application, if successful, would not create a new planning permission and the original permission would still stand, but would be modified as detailed by the non-material amendment decision.

It is clear that the proposed amendments would not be material with regards to any potential impacts to neighbouring residential amenity. As such, it falls to a judgement as to whether the changes to the exterior of the approved structure amounts to a material change to the character and appearance of the dwellinghouse and wider street scene.

Permitted Development rights are intact for this property, that under Schedule 2, Part 1, Class D of the GPDO allows for the construction of a porch that has a maximum footprint of 3m (1.5m x 1.5m) and maximum height of 3m.

The proposed development approved under HPK/2024/0173 showed a modest structure extending forward of the principal building line by 545mm with an overall width of 3.86m, and reaching a height of 3.3m, and by virtue of these dimensions, was not permitted, and required planning permission.

The proposed amendment would see the depth of the building extending approximately a further 1m, maintaining a consistent width and height, thereby adding some 3sqm of footprint to the structure, extending further beyond the principal elevation.

Given its prominence from the street scene, that the proposed amendment relates to the expansion of an existing addition that sits forward of the principal elevation, the proposed amendment is, as a matter of planning judgement, considered to constitute a material amendment, that requires planning permission.

Furthermore, the change to the fenestration, which will reduce the legibility of the building by virtue of relocating the front door to the side elevation and introducing windows with a vertical emphasis (contrasting with the horizontal emphasis of the windows of the main house) results in another material change to the approved scheme.

As such, it is recommended that this application be refused.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 19th November 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council