

DELEGATED DECISION REPORT

NMA/2024/0034
Valid 20/11/2024

LAND REAR OF 44 TO 46
TOWN LANE
CHARLESWORTH

NON MATERIAL AMENDMENT
TO HPK/2024/0293 -
INSTALLATION OF NEW
WINDOW IN NORTH-EAST
ELEVATION

(FULL - MINOR)

MAIN ISSUES

- Whether the proposed amendment(s) amount to an amendment that is materially different to the proposed development approved under HPK/2024/0293, as a matter of fact and degree.

DESCRIPTION OF SITE

The application relates to a parcel of land to the rear of 44-48 Town Lane, Charlesworth. The site is situated within the settlement boundary of Charlesworth.

The site is located within the limits of the Charlesworth conservation area as well as in the setting of designated heritage assets, nos. 46 and 48 Town Lane, Grade II listed buildings.

A change in levels is noted across the site with land to the south and west being higher than land to the north and east.

PROPOSAL

The application seeks a non-material amendment via Section 96a of the Town and Country Planning Act 1990, to undertake the following aspects:

1. Installation of 1x window at lower ground floor level on the side (north-east) elevation.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The following applications are considered to be the most relevant to this application:
HPK/2022/0536 - Construction of a new 2 storey, 3 bedroom detached dwelling with associated landscaping and car parking – Full Approval 11/08/2023.

HPK/2022/0537 - Listed building consent for Construction of a new 2 storey, 3 bedroom detached dwelling with associated landscaping and car parking – Withdrawn 22/03/2023.

HPK/2024/0293 - Application for Removal or Variation of Condition 2 in relation to application HPK/2022/0536 - Section73 Granted 07/10/2024.

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.

The extent of the proposal has been set out above, and relates to the installation of a new window. The property is dug into the embankment with an associated retaining wall.

The proposed installation is for a window in the north-east elevation at lower ground floor level. The proposed window will largely face onto the retaining wall, but due to the presence of steps, will likely afford some view towards the neighbouring property.

The window in this location will serve a gym, and will be a secondary window.

Given the retained separation distance which was previously found to be acceptable for first floor habitable room windows, it is considered that the proposal will not result in any material impact upon the amenity of any nearby resident. The alterations are also considered not to harm the significance of the Conservation Area, the significance of nearby Listed Buildings through alterations within their setting, or the character of the street scene. The proposed changes will also not compromise local highway safety and/or capacity.

Planning Balance & Conclusions:

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 minor in nature and would not be out of character with the previously approved details.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Alex Bonser
Recommendation Date: 30/01/2026

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council

