KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 96A

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR NON-MATERIAL AMENDMENTS

Reference No:	2017/NM/93998/E
Site Address:	6, Lydgate Road, Shepley, Huddersfield, HD8 8DZ
Description:	Non material amendment to previous permission 2017/91703 for erection of single storey side extension
Recommending Officer:	Katie Wilson

DECISION – APPROVE NON-MATERIAL AMENDMENT

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 19-Dec-2017

Officer Report

The proposal seeks Non Material Amendments (NMA) to the original approval under 2017/91703 for erection of single storey side extension.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91703

The submitted plans and application form indicate that the non-material amendment being sought is for alterations to bi-folding doors and window in the gable end (i.e. adding feature windows above bi-folding doors), and window and door to match the existing grey colour.

The old drawings are:

Side Elevation Option 03 dwg number 03D.
Front Elevation Option 03 dwg number 04C
Rear Elevation Option 03 dwg number 05C

The new drawings are:

Side Elevation Option 03 - BR dwg number 03E
Front Elevation Option 03 - BR dwg number 04D
Rear Elevation Option 03 - BR dwg number 05D

With regards to the protocol for non-material amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. They are as follows:

- Is the proposed change inconsequential in terms **of its scale (magnitude, degree etc) in relation to the original approval?**
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- In this instance, the alterations are to introduce new feature windows above bi-folding doors on the side gable and the window and door frames to blend with those on the house. Whilst these alterations may have some impact upon visual amenity, it is thought that they would be inconsequential.
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- In the Authority's view would the proposed **change result in a detrimental impact either visually or in terms of living conditions?**

In terms of visual impact, the proposed changes would make the extension look slightly more modern, and it would potentially be visible above the perimeter fencing. However given that the existing house is relatively recently built, it is felt that the alterations would not have an adverse impact.
In addition photos taken when the approved application was being assessed indicate that the window frames were wooden or wood effect, so whilst the proposed alterations may not match, those on the existing house could be replaced without requiring planning, and so the use of either wood or grey coloured window frames are on balance thought to be acceptable.

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- In terms of living conditions, there are no neighbouring properties on this side of the building and as the proposed windows would be above head height, there would be no further invasion of privacy.
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- In the Authority's view would the interests of a **third party or body who participated in or were informed of the original decision be disadvantaged in any way?**
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- No neighbour representations were received for the approved scheme and it is thought that the current proposal would have no further impact upon residential amenities of the occupants of the neighbouring properties. Nor would the proposed alterations have any further impact upon drainage or protected trees issues raised during the course of assessing the approved application.

In the Authority's view would the amendment be contrary to any policy of the Council?

It is thought that the amendment would not be contrary to any policy of the Council.

- **In considering these tests, the following factors were relevant:**
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- **The proposed changes would not result in the development falling outside** the description of development on the decision notice.

The proposed changes do not contravene any condition attached to the original permission.

The proposed change would not require a further restriction to make it acceptable.

The proposed change would not result in any material increase in height, scale, width or depth of a building.

The proposed change would have likely to have been approved had it formed part of the original application.

- **To conclude the amendments shown on drawings 03E, 04D and 05D, are considered non material amendments to the previous planning approval** 2017/91703.

RECOMMENDATION **GRANT NMA**

Draft letter

Dear Sir

Application for a non-material amendment following a grant of planning permission, Town and Country Planning Act 1990

Non Material Amendment to previous permission 2017/91703 for erection of single storey side extension

6, Lydgate Road, Shepley, Huddersfield, HD8 8DZ
Application Number: 2017/93998

Thank you for your application dated 22-November-2017 for a non-material amendment to the above scheme. The amendment sought is to add feature windows above bi-folding doors in the gable side elevation and use grey coloured window and door frames. These amendments are shown on the following drawings:

- Side Elevation Option 03 - BR dwg number 03E
- Front Elevation Option 03 - BR dwg number 04D
- Rear Elevation Option 03 - BR dwg number 05D

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings. It should be noted that this letter relates only to the non-material amendment sought and it is not a re-issue of the original planning permission. The two documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.

I would draw your attention to the need to deal with the Building Surveyor to ensure that the proposal, as amended, still complies with the Building Regulations.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Report Dated: 19.12.2017