

**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: 2018/NM/90325/W

Site Address: 2, Fernlea Grove, Golcar, Huddersfield, HD7 4HF

Description: Non Material Amendment to previous permission
2017/91721 for erection of single story side extension
(within a conservation area)

Recommending Officer: Francis Davies

DECISION – Non-Material amendment approved

**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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Feb-2018

Officer Report

Application: 2018/90325

Location: 2, Fernlea Grove, Golcar, Huddersfield, HD7 4HF

Proposal: Non-material amendment to previous permission 2017/91721 for erection of single storey side extension (within a conservation area).

Overview

The application has proposed the following as a schedule of alterations to the proposed extension as detailed on the application form and on drawing no.FG2, dated 20/01/2018 and received by Kirklees Council on 31/01/2018:

“[A reduction in] the length of the extension from 6.5m [including] dining room with patio doors and a utility room and door to outside, to 4.6m [including] dining room and patio doors”.

The application will be assessed having regard to S96A of the Town & Country Planning Act 1990:

“In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted”

The council has adopted a protocol for dealing with non-material amendments. This states that the four tests are applicable in the determination of an application as a non-material amendment (NMA).

The key tests in the protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? If so, three further tests need to be met:
2. Would the change result in a detrimental impact either visually or in terms of living conditions?
3. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way?
4. Would the amendment be contrary to any policy of the council?

The proposed amendment is assessed, below, in relation to these four tests.

Assessment

1. The proposed change would reduce the scale of the extension in relation to the originally approved proposal. It would, however, remain a ‘single storey side extension’ as described on the original approval.

2. The originally approved extension was considered to be acceptable in terms of its impacts upon visual amenity. The new proposal is visually and materially similar to that originally approved and would, by virtue of its reduced scale, slightly lessen the visual impact on the elevations to both the north-east (Station Lane) and the south-east (Fernlea Grove).
3. The impacts of the original proposal upon the residential amenity of neighbouring properties were considered to be acceptable. It is not anticipated that the amended proposal would have any greater impacts upon the occupants of neighbouring properties. No public representations were received regarding the original application.
4. The amended proposal has been considered against all relevant policies and, as was the case with the original proposal, it is not considered that any policies would be contravened as a result of the development.

The proposed alteration would not cause the development to change from the description on the original application, nor would it contravene any of the conditions attached to the original approval. Other than the reduction in scale, the development would remain as previously approved.

Conclusion

On the basis of the above, the proposed changes would be acceptable under the non-material amendment procedure.

Report Dated:

26/02/2018
