

**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/90707/E

**Site Address:** 45, Old Mill View, Thornhill Lees, Dewsbury, WF12  
9QJ

**Description:** Non material amendment to previous permission  
2017/93004 for alterations to convert integral garage  
into living accommodation

**Recommending Officer:** Olivia Roberts

**DECISION – NON-MATERIAL AMENDMENT REFUSED**

**I hereby authorise the refusal 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: 28-Mar-2018**

## Officer Report

### **Overview**

The application seeks non-material amendments to previous permission 2017/93004 for alterations to convert integral garage into living accommodation at 45 Old Mill View in Thornhill Lees, Dewsbury.

The amendments seek permission to introduce an additional opening to the rear elevation of the host dwelling at first floor level. The opening will comprise of inward opening doors with a Juliet balcony and will compensate for the light lost due to the installation of the access lift which provides access from the first floor level of the dwelling to the specialist wet room which was introduced as part of the garage conversion which was approved under the original application (ref: 2017/93004). The amendments received are illustrated on a drawing received 02/03/2018 (ref: S02E).

This 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”* and the Council’s Protocol for dealing with non-material amendments.

The four key tests in the Protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval?

The amendments will introduce one new opening to the rear elevation of the dwelling which will compensate for light lost due to works involved with the original application (ref: 2017/93004). The proposed opening will be located on the host dwelling which was not included on the original application for the conversion of the integral garage into living accommodation. It is therefore not considered that the change would be inconsequential in relation to the original approval because it would, in effect, require a change to the wording of the description of development to include (installation of Juliet balcony) since such works do not fall within permitted development and requires planning permission in its own right.

## **Assessment**

The proposed additional opening will be located to the rear of the host dwelling which did not feature in the original application 2017/93004 which was specifically worded for the conversion of the integral garage into living accommodation. As the opening will be located to the rear of the host dwelling and will feature the introduction of a Juliet balcony, it is considered that the proposal would result in a change to the original description and subsequently would not be inconsequential in relation to the original approval. If the Juliet balcony was to be introduced to the rear of the host dwelling, a separate planning application would need to be submitted for the proposal to be assessed in terms of its impact on the visual and residential amenity.

## **Conclusion**

For the abovementioned reasons, the proposed change would not be acceptable under the non-material amendment procedure and as such is recommended for refusal.

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## **Decision Authorisation - Delegated Powers**

**Application Number:** 2018/90707

**Officer Recommendation:** Refuse

### **Reason for refusal:**

The proposal includes the introduction of a new Juliet balcony to the rear elevation of the host dwelling which did not feature in the original application 2017/93004. The development would result in the proposal falling outside of the original description specified on the above referenced planning application and would therefore not be inconsequential in relation to the original application. As the proposal includes the introduction of a Juliet balcony, a separate application would need to be submitted for the proposal to be assessed with regard to its impact on both visual and residential amenity.

Whilst the proposed Juliet balcony appears acceptable in principle, should any representations be received during the course of any subsequent planning application, these would have to be carefully considered.

**Report Dated:**

28/03/2018
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