

**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/93155/E

Site Address: 129, Oxford Road, Dewsbury, WF13 4EH

Description: Non material amendment to previous permission
2018/91736 for erection of first floor and two storey
side and rear extensions

Recommending Officer: Ellie Worth

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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Oct-2018

Application: 2018/93155

Site **Address:** 129 Oxford Road, Dewsbury, WF13 4EH

Proposal: Non-material amendment pursuant to previous permission

2018/91736

Overview

The non-material amendment seeks to insert an en-suite window to the proposed side elevation. The additional opening is shown on the proposed floor and elevation plans.

The applicant is seeking a non-material minor amendment to the approved plans under Section 96A of the Town and 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 key tests of the protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? **YES** If so, three further tests need to be met:
 1. Would the change result in a detrimental impact either visually or in terms of living conditions? **NO**
 2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any other way? **NO**
 3. Would the amendment be contrary to any policy of the council? **NO**

Assessment

The proposed amendments will not cause the development to fall out of its original description and are considered to be minor or non-material. Each non material amendment will be assessed individually below. No representations were received in relation to the original application and the proposal will not contravene with any conditions of the original planning permission.

Insertion of a new first floor window serving an en-suite

The new opening is shown to be inserted in the side elevation of the approved first floor side extension. The property’s permitted development rights have not been removed for new openings and this can be reiterated in the officer’s original report, as it gives permission for a similar opening to serve a first floor bathroom.

An assessment has been undertaken to assess the impact the new non habitable window will have on residential amenity. In relation to overlooking/loss of privacy, the additional opening to the side elevation will not harm residential amenity of the neighbouring properties.

In accordance with section 2.5 of the councils NMA protocol, the insertion of a new opening to the first floor will not result in loss of privacy or amenity to the

neighbours. This is due to no.131 not having any existing openings in the adjacent elevation. Also as previously identified in this report and on the plans, there is an existing window serving a bathroom on the same side elevation of this property. In summary, the design of this window has already been assessed in relation to the existing window and as a result it will not alter the way in which the house is read.

Amendments have also been sought from the agent and applicant to remove the dining room window from the submitted plans due to the proposed window being within the elevation of the original house (refer to amended plans).

Taking into account the above, it is considered that the proposal would satisfy the aims of the non-material amendments protocol. The application would not result in an increase in the scale of the previously approved extension and there would be no changes that would adversely affect the neighbours or the visual appearance of the dwelling. Overall, this proposal would not contravene any conditions of the planning approval or any planning policies.

Conclusion

On the basis of the above, the proposed changes are in accordance with the relevant planning protocol and are considered acceptable.

Reported dated: 22/10/18