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:	2019/NM/90093/W
Site Address:	12, Southlands Drive, Fixby, Huddersfield, HD2 2LT
Description:	Non material amendment to previous permission 2018/93696 for conversion of garage to home gym
Recommending Officer:	Jason Hammond

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 05-Feb-2019

Officer Report.

Reference: 2019/90093

Location: 12 Southlands Drive, Fixby, Huddersfield, HD2 2LT

Proposal: Non material amendment to previous permission 2018/93696 for conversion of garage to home gym.

Overview.

The non-material amendment seeks to amend the door unit proposed to replace the existing garage door. The changes are as follows:

- A new uPVC panel is to replace the proposed wall frame
- The new panel is to be set 0.70 metres in, located where the existing garage is.

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 in the protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? **Yes**
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 way? **No**
3. Would the amendment be contrary to any policy of the Council? **No**

Assessment.

The initially proposed wall unit for the garage conversion is to be amended for a different uPVC unit. This would be a visual change for the proposal, although this would be of no harm. The new unit would be of a similar design to the main door on the upper floor level and would therefore allow for more visual consistency for the building and thus be a visual improvement.

More glazing is proposed with the inclusion of a window on each side of the door frame which would have the potential to impact the residential amenity of the area by increasing levels of privacy. However, this would be of no harm

due to the use of the gym which would mean for little out looking from the rear property, as well as the small scale of increase of windows in the scheme.

The unit is to be relocated to where the existing garage is located, and would therefore have a similar footprint to the original building. This would be a visual improvement as it would limit the visual change of the scheme, but also improve the residential impact by having the doors and windows set further in from the highway.

Therefore the changes are considered to satisfy the Non Material Amendment Protocol and will not materially affect visual or residential amenity considerations of the proposed development.

Conclusion.

On the basis of the above, the proposed changes are in accordance with the relevant planning protocol and are considered to constitute non-material amendments to the approved permission. The changes are acceptable under the non-material amendment procedure.

Recommendation: Granted

Report dated: 05/02/2019