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/91564/W
Site Address:	2, Spinneyfield, Fixby, Huddersfield, HD2 2HX
Description:	Non material amendmment on previous application 2014/92310 for rection of single storey extension and alterations, extension of drive and erection of fence and gates (Listed Building)
Recommending Officer:	Nigel Hunston

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: 31-May-2019

Site Description

The application site is for the garden and access to 2 Spinneyfield, Fixby. The house is detached and of stone construction which is accessed off Spinneyfield, a 1970's urban development.

Description of Proposal

The application is sought for a non-material amendment to a previously approved application reference 2014/92310 for the erection of a single storey extension, extension of the driveway to the frontage of the house and the erection of a fence and gates.

The amendment relates to the change of material to the driveway (from hoggin to limestone), the relocation of the car parking from the side of the house to the front and the change of material from stone gate piers to metal to match the fencing.

History of negotiations/amendments received

The applicant was not approached during the course of the application as the proposed amendment was considered to be acceptable in its submitted form.

Relevant Planning History

2006/92632 –	Listed Building Consent for renewal of sash windows APPROVED
2013/92726-APPROVED	Listed Building Consent for internal alterations-
2014/92311 – extension	Listed building consent for erection of single storey
	and alterations, and demolition of coalhouse/pantry, porch/wc and part of boundary wall – APPROVED
2014/92310 extension	Planning permission for erection of single storey
	and alterations, and demolition of coalhouse/pantry, porch/wc and part of boundary wall-APPROVED

Assessment

The application is for a Non-Material Amendment for the relocation of the driveway, the change of material from 'hoggin' to limestone and change of material from stone gate piers to metal.

The Council has adopted a protocol to deal with Non-Material Amendments. This states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**
   If so, the three further tests need to be applied as follows:
1. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
2. In the Authority's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
3. In the Authority's view would the amendment be contrary to any policy of the Council? **NO**

In considering the above, the following factors are relevant:

- The proposed changed to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision notice **- the description of development would be the same**
- The proposed change must not contravene any condition attached to the original permission **– no condition would be contravened**
- The proposed change should not require a further restriction to make it acceptable **– no further restrictions would be required**
- The proposed change would not result in any material increase in height, scale, width or depth of a building **- there is no increase in height, scale, width or depth of the building**
- The proposed change would have likely have been approved had it formed part of the original application **– the change would have likely to have been approved**

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/91362

Officer Recommendation: Approve Non-Material Amendment

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 on previous application 2014/92310 for erection of single storey extension, alterations, extension of drive and erection of fence and gates
2 Spinneyfield, Fixby, HD2 2HX
Application Number: 2019/91564

Thank you for your application dated 10th of May 2019 for a non-material amendment to the above scheme. The amendment sought is for the relocation of the driveway, the change of material from hoggin to limestone and change of material from stone gate piers to metal as shown on drawing 061/P213/2 received 30th May 2019.

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.

It should also be noted that, the approval of this non-material amendment does not override any private legal rights relating to land ownership / access rights. Such matters are separate to planning legislation.

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.

Yours faithfully

Report **Dated:** 31.05.2019