

**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/92135/E

Site Address: 64, Bottoms Lane, Birkenshaw, BD11 2HL

Description: Non material amendment to previous permission
2019/90404 for erection of single storey extension

Recommending Officer: Josh Kwok

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 22-Jul-2019

Overview

This application seeks a non-material amendment to application 2019/90404, which approved a single storey extension to a dwellinghouse at no.64, Bottoms Lane, Birkenshaw, BD11 2HL.

This application seeks permission to increase the width of part of the approved single storey extension from 3.40m to 4.05m. The projection of the approved extension would be reduced to 3.8m. This would bring part of the single storey extension closer to the side boundary but further to the rear boundary than approved. This would introduce another stagger within the side elevation. These amendments are shown on the plan received on 25-Jun-2019.

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 (NMA Protocol)**.

The four key tests in 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 way? **No**
3. Would the amendment be contrary to any policy of the Council? **No**

Assessment

Part of the width and the overall projection of the approved extension would be increased and decreased by 0.6m and 0.4m respectively. However, these amendments can be considered non-material when taking into account the degree of amendments proposed to the originally approved extension. The proposed amendments would be minor relative to the extension itself as well as the property concerned.

There would be no other changes to the materials, architectural details and fenestration arrangements of the approved extension. On this basis, it is concluded that the proposed amendments would not give rise to an undue detrimental impact on visual and residential amenity. It would not conflict with the relevant policies in the KLP and the NPPF.

No representations were received in relation to the original application. To accept the proposed amendments would not prejudice the rights of any individuals to comment on the proposal at the application site. Officers therefore conclude that the proposed amendments met the relevant tests set out in the NMA Protocol.

Conclusion

Having regard to all the factors mentioned above as well as the details in the NMA Protocol, the proposed amendment can be acceptable under the non-material amendment procedure and as such is recommended for approval.