

**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: 2020/NM/90600/W

Site Address: 26, Southern Road, Cowlersley, Huddersfield, HD4 5TJ

Description: Non material amendment to previous permission 2019/91751 for erection of side and rear extensions with balcony at ground floor

Recommending Officer: Danielle Cooper

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: 12-Mar-2020

Officer Report

Site Description

26 Southern Road is a townhouse at the western end of a row of 4. It is single-storey at the front, two-storey at the rear, and also has dormers in the roof. It is built in brick. There is a small balcony at the rear which looks out over a small rear garden. It is set within established residential development consisting mainly of traditional terraced houses and townhouses.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2019/91751 for the erection of side and rear extensions with balcony at ground floor.

The amendment seeks to remove the approved lean to side extension but to keep a window to serve the bedroom in the same position and to also insert an additional window to serve the en-suite on the ground floor.

The amendment has been sought as the single storey lean to side extension is no longer required.

Relevant Planning History

2019/91751- Erection of side and rear extensions with balcony at ground floor.

Assessment

The application is for a Non-Material Amendment for the **previous permission 2019/91751 for the erection of side and rear extensions with balcony at ground floor.**

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:
2. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
3. 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**
4. 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 alter as a side extension is no longer proposed. However, the proposed development is still included in the description**
- 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 – **No, the change would reduce the scale 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**

In terms of this particular application, the removal of the single storey lean to extension which would reduce the overall scale but shall keep a window (larger but still serving a bedroom) in the same position of the building, as well as to insert a window on the ground floor to serve the en-suite has been deemed acceptable to be approved under a non-material amendment application. This is because the proposal would not adversely affect the visual and residential amenities of the surrounding area.

In regards to the removal on the single storey lean to extension, this would result in this side elevation to have a straight continuous principal side elevation. As such it has been considered that the removal of the lean-to would atheistically improve the visual amenity of the application site, complying with LP24 of the Kirklees Local Plan. In addition given the minor projection of the approved single storey lean to, it has been assessed that the removal of this element would not significantly alter the appearance of the recently approved planning application. It is recognised that the applicant seeks to retain a window in this elevation to serve the bedroom. As the original planning application was approved with the single storey lean to extension including a window serving the bedroom, it has been considered that to keep this element on the side elevation of the original building is acceptable. This is because the window would be set further back from the boundary wall, whereas the existing approved window was closer to neighbouring properties. As such it has been considered that the window serving the bedroom would reduce any impact which may have been imposed on neighbouring dwellings amenities and is therefore acceptable. Therefore it has been considered that there would be no detrimental harm on the visual and residential amenity given the above reasons.

Also as part of this non material amendment application, the applicant also seeks to insert a window on the ground floor to serve the en-suite. As this alteration would not materially alter the visual appearance of the property given the minor development. It has been considered that this proposal is

acceptable as part of a non-material amendment application and would not cause any detriment to the visual amenity of the application site. As such it has been considered that any harm on the visual and residential aspects would not be unduly significant and the argument that the proposals would of likely to be approved had it formed part of the original application.

Overall, the removal of the single storey lean to will reduce the overall scale of development. Furthermore as the insertion of a side window on the ground floor is of a minor scale which will not cause a significant material alteration to the appearance of the property, this change is also acceptable as a non-material amendment. Although the description of development mentions 'side extension' and this would no longer form part of the development, I do not consider this critical in this case – given the reduction in overall scale of the development. As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with the spirit of the protocol. It is therefore recommended that the Non-Material Amendment is approved.

Recommendation **Approve**

Decision Authorisation – Delegated Powers

Application Number: 2020/90600

Officer Recommendation: Approve

The amendment sought is to remove the approved single storey lean-to side elevation and to insert windows to serve the bedroom and en-suite within the ground floor side elevation as shown on drawing no. L19065 07

Report Dated:

12/03/20
