

**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/91902/E

Site Address: 108, Moorlands Road, Birkenshaw, BD11 2BP

Description: Non material amendment to previous permission
2018/90704 for alterations to convert linked former
stable outbuildings to additional living accommodation

Recommending Officer: Nia Thomas

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: 20-Jul-2020

Application: 2020/91902

Site Address: 108, Moorlands Avenue, Birkenshaw, BD11 2BP

Proposal: Non-material amendment pursuant to previous permission 2018/90704 for:

- *Alterations to convert linked former stable outbuildings to additional living accommodation*

Overview

The non-material amendment seeks the following changes to the original planning permission:

- Replacement of dormer with roof window
- Alterations to windows to rear elevation
- Omission of first floor accommodation

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** If so, three further tests need to be met:
2. Would the change result in a detrimental impact either visually or in terms of living conditions? **NO**
3. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **NO**
4. Would the amendment be contrary to any policy of the Council? **NO**

Assessment

The proposed amendments will not cause the development to fall outside of its original description and are considered to be minor and non-material. Each amendment proposed shall be assessed below.

Replacement of dormer window with roof light

Within the side elevation, the originally approved plans show a dormer window to serve the first floor accommodation. The replacement roof light is small in scale and will not detract from the character of the main building or the street scene. Given that it is replacing a previously approved larger

opening and has indirect views given its positioning on the roof slope, there would be no neighbouring properties that would be prejudiced as a result of this change. The change would be an alteration to facilitate the change of use of the former stable buildings to living accommodation and would therefore fit with the description of development.

Alterations to openings in rear elevation

The alterations to the openings consist of the following:

- Removal of opening at first floor

This opening is acceptable in terms of visual amenity and will not detract from the building's appearance and will fall under the description of the approved development.

The alterations assessed above are acceptable and the proposed first floor plan is no longer shown to be two bedrooms. This is acceptable and given that an opening is being removed, there will be no impact on neighbouring occupiers and would not change affect the character of the development that was originally approved. Considering the above, the proposed changes fit with the guidance set out within the Kirklees Council non material amendment protocol.

Conclusion

The proposed changes do not contravene any conditions on the original decision notice and do not result in a material increase in the scale of the building. The minor changes would have been acceptable should they have been submitted with the original application.

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.

Report dated: 10.07.2020

