

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/92830/W

Site Address: 43, Birkby Lodge Road, Birkby, Huddersfield, HD2
2BE

Description: Non material amendment to previous permission
2020/90414 for erection of detached garage

Recommending Officer: Ellie Worth

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: 11-Sep-2020

Application: 2020/92830

Site Address: 43, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BE

Proposal: Non-material amendment pursuant to previous permission 2020/90414 for the erection of detached garage.

Overview

The application seeks a non-material amendment to the previously approved detached garage.

The amendment seeks to include two roof lights within the dual pitch roof as shown on plans 1936.4 D and 1936.5 Rev D.

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.

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

Officers do not consider the proposed roof lights to visually change the scheme, when considering what was previously approved. More specifically, the new additions would appear relatively small in size and scale, when read against the overall roof form.

With regards to residential amenity, it has been noted that the works proposed would not unduly prejudice neighbouring properties, as the applicant is only seeking permission for these openings, in order to allow natural light into the garage. The roof lights would not provide an outlook into neighbouring gardens and therefore the council are satisfied that no privacy will be lost.

- The proposed changes to the permitted scheme would not result in the development falling outside the description of the development as set out on the Decision Notice
- The proposed change would not contravene any condition attached to the original permission.

- The proposed change does not require a further restriction to make it acceptable
- The proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would have been likely to have been approved had it formed part of the original application.

Conclusion

On the basis of the above, the proposed changes have been considered acceptable under the non-material amendments procedure and as such are recommended for approval.

Recommendation: Grant Non-Material Amendment

Decision Letter text

The amendment seeks to include two roof lights within the dual pitch roof as shown on plans 1936.4 D and 1936.5 Rev D.

Report dated: 11th September 2020