

**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/93643/E

Site Address: 324, Drub Lane, Drub, Cleckheaton, BD19 4BX

Description: Non material amendment to previous permission 2019/93966 for variation of condition 2 (plans) on previous permission 2017/92960 for erection of two storey side extension and remodelling of existing dwelling

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 23-Nov-2020

Officer Report – 2020/93643

This application seeks a non-material amendment to application 2019/93966 for the erection of a two-storey side extension and remodelling of the existing dwelling at 324 Drub Lane, Cleckheaton.

Permission is sought to remove a full-height window in the front elevation of the enlarged dwelling and to insert a roof-light in its side elevation. Details of the alterations proposed could be viewed in the submitted drawing.

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

The alterations do not cause the proposal to fall out of the original application’s description. There are no alterations to external dimensions of the approved scheme, which might prejudice the amenities of the neighbouring properties. Removing a front facing full-height window and inserting a roof light on top of the former garage is considered not to cause a greater impact on privacy of the neighbours than the approved scheme.

All materials of construction are to be the same as those that have already been approved. No representations or consultations were received for the original application, which would contraindicate the acceptance of the proposed alterations. There would be no harm to the visual and residential amenity of the neighbouring properties on Drub Lane. Furthermore, these alterations would have been accepted were they to be submitted as part of the original scheme.

None of the original application’s conditions are breached by the proposal, nor are any further conditions required for the amendments to be acceptable. No council policies are contradicted by the amendments.

Conclusion

On the basis of the above, the proposed alterations would be acceptable under the non-material amendment procedure and they are, therefore, recommended for approval.

Date: 20-Nov-2020