

**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: 2021/NM/91191/E

Site Address: Zucchini, 260, Bradford Road, Batley, WF17 6JD

Description: Non material amendment to previous permission
2018/93775 for erection of single storey side
extensions

Recommending Officer: Josh Kwok

DECISION – NON-MATERIAL AMENDMENT REFUSED

**I hereby authorise the refusal 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: 19-Apr-2021

Officer Report – 2021/91191

This application seeks a non-material amendment to previous permission 2018/93775 for erection of single storey side extensions at 280 Bradford Road, Batley WF17 6JD.

Permission is sought to change the fenestration details and the materials of the approved extension. There are no changes to the dimensions of the extension. These changes are available to view in the revised plans and elevations 20.06.030.

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? **No**

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. However, they would result in a significant change to the appearance of the approved extension because of the large amount of glazing in the front and side elevations, as well as the use of grey coloured cladding. The impact on the overall appearance and design of this extension would be material and, therefore, would fail to meet the first test set out in the Protocol.

Due to the failure to comply with the first test, the proposed alterations could not be considered under the NMA procedure; this is irrespective of whether the subsequent tests 2, 3 and 4 could have been met. Also, to accept these changes would contravene condition 3 of the original permission, which requires that the extension be faced with white coloured render to match the host building.

Under those circumstances, a variation of condition application or a full application should be submitted if these amendments are to be incorporated

into the approved scheme. Based on the submitted information, it is considered that the revised scheme is likely to be acceptable in respect of its impact on visual amenity.

Conclusion

The proposed alterations do not meet the relevant tests set out in the NMA procedure and, therefore, fail to be considered a non-material amendment permissible under the NMA procedure. As such, this application is recommended for refusal.

Date: 12-Apr-2021