

**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/91417/W

Site Address: 31, St George's Road, Scholes, Holmfirth, HD9 1UQ

Description: Non material amendment to previous permission
2015/93871 for erection of detached dwelling with
integral garage

Recommending Officer: Ellie Worth

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 13-Apr-2021

Application: - 2021/91417

Site Address: - 31, St George's Road, Scholes, Holmfirth, HD9 1UQ

Proposal: - Non material amendment to previous permission 2015/93871 for erection of detached dwelling with integral garage

Overview

The applicant seeks a non-material amendment to the erection of detached dwelling with integral garage at 31 St Georges Road.

The amendments include the alteration of a ground floor rear window into a double door and the insertion of a new first floor window within the front elevation.

The 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? *No, the proposal seeks minor alterations to the fenestration.*
1. Would the change result in a detrimental impact either visually or in terms of living conditions? *The changes are not considered to detrimentally impact upon the visual amenity of the site.*
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? *The works are unlikely to disadvantage any third party, given that they are minor alterations. The new window at first floor would also provide natural light onto the staircase, and therefore would not be considered as being habitable.*
3. Would the amendment be contrary to any policy of the Council? *Yes, the proposal would be contrary to conditions 7 and 8 attached to the original decision.*

Assessment

Having compared the approved plans under the 2015/93871 and 2017/91942 applications and the conditions outlined on the original decision notice, officers have noted that the works proposed would be contrary to conditions 7 and 8. These conditions removed permitted development rights for new windows and doors alongside any other development in which will fall under Classes A – E of the GPDO, in the interest of residential and visual amenity.

As such, to permit these works, would be a breach of the aforementioned conditions, the protocol for dealing with non-material amendments and therefore a modified planning application would be required.

Conclusion

On the basis of the above, the proposed alterations cannot be accepted under this application, and therefore, the application for a non-material amendment is refused.

Report dated: 13th April 2021