

**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/91567/W

Site Address: 1, Rose Mount, Birkby, Huddersfield, HD2 2BU

Description: Non material amendment to previous permission
2020/90417 for erection of single storey extension

Recommending Officer: Laura Yeadon

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.**

Emma Thompson

AUTHORISED OFFICER

Date: 11-May-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91567>

Site Description

1 Rose Mount is a large detached property which is sited on a corner plot between Rose Mount and Birkby Hall Road. The dwelling is finished in a white render with gabled architectural detailing, dormer extension and a concrete tile roof. The dwelling is set on an oblique angle within the plot with garden areas to the front and sides of the dwelling. Along the north-eastern boundary is a driveway which leads to a double garage to the rear of the property. The site is within an area which is predominantly residential and faces the Edgerton Conservation Area.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2020/90417 of the erection of a single storey extension.

The amendment relates specifically to a longer roof lantern within the kitchen, a small set back to the rear wall of the garage and also a small pitch to the front of the garage roof.

It is noted that the plans show a side window within the garage elevation. This does not form part of this application. An application has been submitted in order to incorporate the window into the development.

Relevant Planning History

- 2021/91594 Erection of single storey extension
Under consideration – not yet determined
- 2020/90417 Erection of single storey extension
Conditional Full Permission
- 2013/93836 Erection of conservatory, single storey extension link to kitchen and dining and replace existing double garage with 1.5 storey detached double garage with mezzanine games room over
Conditional Full Permission
- 2003/95275 Alterations to form pitched roof and erection of conservatory
Conditional Full Permission

Assessment

The application is for a Non-Material Amendment for a longer roof lantern within the kitchen, a small set back to the rear wall of the garage and also a small pitch to the front of the garage roof.

The Council has adopted a protocol to deal with Non-Material Amendments. This states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**
If so, the three further tests need to be applied as follows:
2. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
3. In the Authority's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
4. In the Authority's view would the amendment be contrary to any policy of the Council? **NO**

In considering the above, the following factors are relevant:

- The proposed changed to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision notice - **the description of development would be the same**
- The proposed change must not contravene any condition attached to the original permission – **no condition would be contravened. It is noted that additional openings are shown within the side and rear elevations of the garage however there is a condition removing permitted development rights for no new windows or doors. These elements are proposed, and will be considered, in the assessment of 2021/91594**
- The proposed change should not require a further restriction to make it acceptable – **no further restrictions would be required**
- The proposed change would not result in any material increase in height, scale, width or depth of a building - **there is an increase in height to the extension however this is minimal and not considered a material increase due to being to the front section of the garage**
- The proposed change would likely have been approved had it formed part of the original application – **the change would have likely to have been approved**

In terms of this particular application, the alteration is for a longer roof lantern within the kitchen, a small set back to the rear wall of the garage and also a small pitch to the front of the garage roof.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third

party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.

Recommendation **Approve**

Decision Authorisation – Delegated Powers

Application Number: 2021/91567

Officer Recommendation: Approve

Reason:

The amendment sought is for a longer roof lantern within the kitchen, a small set back to the rear wall of the garage and also a small pitch to the front of the garage roof as shown on drawing numbers Revision 01 Existing and Proposed Elevations and Revision 01 Existing and proposed Floor Plans.

Note: This permission does not extend to the additional window openings within the side and rear elevations of the garage.

Report Dated: 7th May 2021