

**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/91803/W

Site Address: Romford Cottage, Oldfield Road, Honley, Holmfirth,
HD9 6RN

Description: Non material amendment to previous permission
2017/94281 for erection of extensions and alterations
to convert outbuilding to living accommodation

Recommending Officer: Tom Hunt

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: 27-May-2021

Application: 2021/91803

Site Address: Romford Cottage, Oldfield Road, Honley, Holmfirth, HD9 6RN

Proposal: Non material amendment to previous permission 2017/94281 for erection of extensions and alterations to convert outbuilding to living accommodation

Overview

The application seeks a non-material amendment to the previously approved erection of extensions and alterations to convert outbuilding to living accommodation.

The amendment seeks to raise the ridge height of the existing cottage by 220mm. The existing bungalow is shown on 'Plans – Grouped Plans and Elevations Plan Number 17069D-02-P01'. Currently it is approximately 6.3 metres roof ridge height. This would be increased to 6.55m due to the wholesale roof repair of the building.

The applicant confirms that the Notice to Building Control was issued 21/09/2020 and photographs were supplied.

The reasoning behind the proposed amendment is to repair a structurally compromised roof. The current rafters and purlins require replacing with single span engineered timbers supported off a new ridge beam, enabling better thermal insulation to be added whilst maintaining the existing floor area.

The ridge will need to be lifted by circa 175mm based on the Engineers calculations using Engineered Joist JJI 195C however due to market forces the 195mm section is no longer available [from any supplier], the next available size up being 220mm. Using this section size lifts the existing roof line by circa 220mm.

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 proposed change inconsequential in terms of its scale (magnitude, degree, etc.) in relation to the original approval? Yes

If so, three further tests need to be met:

1. Would the proposed change result in a detrimental impact either visually or in terms of living conditions? No

2. Would the interests of a third party or body who participated in 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 increase in roof ridge height for the main dwelling to materially change the scheme, when considering what was previously approved. Indeed, as an operation in its own right it would imperceptibly alter the existing dwelling: if this work is classed as a repair.

With regards to residential amenity, it has been noted that the works proposed would not unduly prejudice neighbouring properties. The neighbouring properties: Kenamar to the west, Carlin Farm and its outbuildings to the north and Thornlea to the east have generous garden/curtilage plots, set back from the road and are detached so it has been assessed that there would be no additional detrimental increase in overbearing, overshadowing or overlooking with a roof ridge height increase of 220mm.

The proposed change in roof ridge height would have very limited impact on the neighbouring dwellings due to topography, the existing open relationship to the rear and the small scale of the development and therefore the council are satisfied that no privacy will be lost.

Further matters to consider with NMAs are:

- 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 (in this case the amendment is seen as a repair to the existing bungalow, thus it would not have been in the original description of development)
- 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.

The height change of 220mm would not be considered material in this respect in this specific case and the structural repairs to the host property.

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 raise the ridge height of the existing cottage by 220mm from that indicated on plan ref: 17069D-02-P01.

Report dated: 27th May 2021