

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/92735/E**

Site Address: 21, Oakland Court, Highburton, Huddersfield, HD8 0XF

Description: Non material amendment to previous permission 2018/93963 for erection of two storey rear extension

Recommending Officer: Katie Wilson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 19-May-2022

Non Material Amendment Officer Report

Site – 21, Oakland Court, Highburton, HD8 0XF

The site consists of a 2-storey semi-detached house thought to date from the 1970's or 80's, with recent 2-storey, flat roofed extension at the back. The walls are a light coloured brickwork and its dual pitched roof is surfaced in brown concrete tiles. There is a front garden with driveway to the side leading to back garden enclosed by other gardens to all sides.

The land is relatively flat and the surrounding area residential in nature.

Proposal

Nonmaterial amendment to previous permission 2018/93963 for erection of two storey rear extension.

The amendment sought is:

Roof amended from apex to flat roof with overall extension reduced in height. Proposed rear extension includes two roof lanterns and the existing rear roof to include 3 sky lights

Old plan/drawing numbers:

3151/3

New plan/drawing numbers:

3151/3 A

Policy and Guidance

- **Kirklees Protocol for Non-Material Amendments Following A Grant Of Planning Permission**
- **National Planning Practice Guidance**

Assessment:

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

No, whilst the footprint appears to be the same, the roof design is different replacing a dual pitched roof and gable end with flat roof at eaves level and two large lantern roof lights. There would also be three velux windows on rear facing roof plane. It is considered that these changes significantly alter the appearance of the originally approved scheme.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

Yes, the proposed change could result in a detrimental impact on visual amenity of the area.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?

Whilst there would be less massing at roof level it may have an impact in terms of visual amenity.

In the Authority's view would the amendment be contrary to any policy of the Council?

Since the original approval planning policies have changed. The UDP has been replaced by the Kirklees Local plan and House extensions and alterations SPD. The officer report for the original approval considered it acceptable in terms of relevant UDP policies D2, BE1, BE2, BE13 and BE14 and the then draft local plan policy LP24.

The proposed amendment would now be assessed in terms of policy LP24 of the Local plan and guidance given in the Kirklees House extensions Supplementary Planning Guidance. The amendment would be contrary to this policy and guidance

The proposed changes to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision Notice e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension.

The proposed change would not result in the development falling outside the description of development on the Decision Notice.

The proposed change must not contravene any condition attached to the original permission.

It would contravene condition 2, in that the proposal would not be carried out in complete accordance with the plans and specification listed in the decision notice. Condition 3, in that the roofing materials would not match those used in the construction of the existing building.

The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.)

No.

The proposed change would not result in any material increase in height, scale, width or depth of a building.

No.

The proposed change would have been likely to have been approved had it formed part of the original application.

Not necessarily.

Recommendation – Refuse NMA

Decision Authorisation - Delegated Powers

Application Number: 2021/92735

Officer Recommendation: Refuse NMA

Decision Letter Text

The amendments sought is:

- Roof amended from apex to flat roof with overall extension reduced in height. Proposed rear extension includes two roof lanterns and the existing rear roof to include 3 sky lights.

This amendment is set out in drawing number: 3151/3 A

It is considered to fall outside the scope of being a non-material amendment as in officers' opinion the proposal would significantly alter the appearance of the approved two storey rear extension.

Report Dated:

06.05.2022
