

**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/92903/W

**Site Address:** Holmfirth Boarding Kennels, Wood Cottage,  
Greenfield Road, Holmfirth, HD9 3XF

**Description:** Non material amendment to previous permission  
2021/91535 for variation conditions 2, 3, 6, 7, 8, 9 and  
12 (materials) on previous permission 2019/91411 for  
demolition of existing kennel buildings and erection of  
2 dwellings

**Recommending Officer:** Stuart Howden

**DECISION – Approve Non-Material Amendment**

**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-Aug-2021**

## **Application no: 2021/92903**

Holmfirth Boarding Kennels, Wood Cottage, Greenfield Road, Holmfirth, HD9 3XF

**Looking to make amendments to application no: 2021/91535**

**Description of proposed amendment:** 'Non material amendment to previous permission 2021/91535 for variation conditions 2, 3, 6, 7, 8, 9 and 12 (materials) on previous permission 2019/91411 for demolition of existing kennel buildings and erection of 2 dwellings.'

The above approved Section 73 application, followed another variation of condition application (2019/91411), with the original application (2018/94203) relating to the demolition of the kennel buildings and the erection of the two dwellings (approved on 20<sup>th</sup> March 2019)

This non material amendment (NMA) looks to make amendments to the appearance of the two dwellings which have been approved. The alterations include:

### **Plot A**

- A sliding door on the north elevation at basement level instead of an outward opening door;
- A sliding door on the west elevation at ground floor level instead of an outward swinging door;
- Sliding opening on the north elevation ground floor level rather than window
- Change to garage materials;
- Black gutters and downpipes instead of grey gutters and downpipes;
- Black windows and doors instead of grey windows and doors.

### **Plot B**

- A sliding door on the north elevation at basement level instead of an outward opening door
- Sliding opening on the north elevation first floor level rather than window
- Alteration to sliding door on the west elevation at ground floor level.
- Change to garage materials;
- Black gutters and downpipes instead of grey gutters and downpipes
- Black windows and doors instead of grey windows and doors

From a procedural point of view, the application states that grey/green roof slates are now proposed under this NMA application, however such materials were displayed in a materials schedule and have already been approved and conditioned (Condition 4 of 2021/91535 states that: *'The hereby approved dwellings shall be roofed in natural slate, as stipulated within the material schedule received on the 29th May, 2019 pursuant to application no.2019/91411'*). Thus, these roofing materials are not subject to consideration under this NMA application

### **Consultation**

Holme Valley Parish Council: *'Defer to Kirklees Officers'*.

### **Assessment**

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.*

With regard to the protocol for non-materials amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

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

Yes. There is no change proposed to the overall footprint of the building or the scale of the building. The NMA relates to the detailing of openings, the garages and guttering and it is considered that such proposed changes to the external appearance of the buildings is minor and would not materially alter how the building is to appear.

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

No. As noted above, the application relates to the detailing of openings, the garages and guttering and it is considered that such proposed changes would not cause detrimental harm to the visual amenities of the area.

No new windows are proposed and it is not proposed to change the footprint or scale of the buildings, therefore the amendments would not have a detrimental impact in terms of living conditions.

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?

No objections have been raised regarding the previous applications at the site and the changes are considered modest regardless.

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

No. It is considered that the amendments would not be contrary to any policy of the Council.

In considering these tests, the following factors are also relevant:

- 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 must not contravene any condition attached to the original permission.
- 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.)
- 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.

It is considered that the proposed changes do not fail any of these tests.

It is therefore recommended that the changes can be allowed as a non-material amendment.

**Conclusion**

To conclude, the amendments shown on drawing No's. 380-P02 Revision E and 380-P03 Revision E are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2021/91535.

**Report**

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| 09/08/2021 |
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**Dated:**