

**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/93851/W

Site Address: 68, Newsome Road, Newsome, Huddersfield, HD4 6NQ

Description: Non material amendment to previous permission 2021/92105 for erection of two storey extension to rear

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 26-Oct-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93851>

Site Description

68 Newsome Road is a semi-detached bungalow located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and render and is set up above Newsome Road separated by a garage which is located at road level and with a garden area above and larger garden area to the rear.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2021/92105 for the erection of a two storey extension to the rear of the property.

The amendment relates specifically to the rear elevation openings. The application was approved with 2 no. ground floor openings of different dimensions with the smaller being a height of 1100mm and the larger being a height of 1380mm. The upper floor window would also be a height of 1100mm.

It is proposed to alter all three openings within the rear elevation to be a total height of 1170mm in height due to practicality. 1 no. opening at ground floor and the upper floor window would be a width of 950mm with the other ground floor opening being a width of 620mm.

The details of the alterations are within the application form and also a proposed plan was submitted during the course of the application process.

Assessment

The application is for a Non-Material Amendment to alter the height of the windows within the rear elevation of the approved extension.

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 change 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**
- 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 no proposed increase in height to the extension**
- The proposed change would have 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 to alter the height of the approved windows within the rear elevation of the extension.

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: 2021/93851

Officer Recommendation: Approve

Reason:

The amendment sought is to alter the heights of the proposed 3 no. openings to 1170mm as shown on drawing number 2021/272/02 received by the Local Planning Authority on 18th October 2021.

Report Dated: 26th October 2021

