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/94423/W
Site Address:	Land at end of, Orchard Street West, Longwood, Huddersfield, HD3 4TE
Description:	Non material amendment to previous permission 2020/94342 for erection of 5 dwellings
Recommending Officer:	Katie Chew

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 02-Dec-2021

Non-Material Amendment Officer Report

Site – Land at end of, Orchard Street West, Longwood, Huddersfield, HD3 4TE.

The application site is an irregular shaped piece of land of some 0.11 hectares, it has a varied topography and is located at the end of Orchard Street West and to the south of Ballroyd Lane. To the east of the main part of the site are a row of terraced dwellings and to the west is an operational mill building. To the north of the site is 24a Ballroyd Lane, which is a Grade II Listed Building.

Proposal

Non-material amendment to previous permission 2020/94342 for erection of 5 dwellings. The amendments sought include:

- The modifications include altering the location of the proposed windows on the side elevations of Plots 1 & 3 of previously approved application 2020/94342 from ground floor level to second floor.

- In addition, the rear patio doors to Plots 1, 2 & 3 are to be amended from double doors with flag windows to full height bi-folding doors.

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?

Yes. The proposals seek to amend the design of doors installed to the rear of Plots 1, 2 & 3 and move the location of ground floor side windows in Plots 1 & 3 to second floor level. These changes would not alter the scale, size or design of the dwellings and therefore the proposed changes are deemed to be inconsequential in relation to the original approval.

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

The proposed changes would not result in a detrimental impact on the visual amenity of the area or living conditions. To the rear of plots 1, 2 and 3 the proposed patio doors are to be replaced with bi-folding doors of a similar size, this change is considered to be appropriate and would not detract from the residential amenity of any adjacent neighbouring properties any more so than what was previously approved under application 2020/94342. Whilst the

previously approved location of the windows within the side elevations of Plots 1 & 3 is to change, these windows will still provide light into non-habitable rooms and therefore there are no concerns in respect to loss of privacy or overlooking.

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. Whilst it is acknowledged that representations were received in objection to application 2020/94342 these comments did not relate to overlooking from the windows shown in the side elevations of Plots 1 or 3. Although the application seeks to move these windows from ground floor level to the second floor, the windows will still provide light into non-habitable rooms and therefore there are no concerns in respect to overlooking or loss of privacy in this instance. Furthermore, the changes proposed to the rear doors of Plots 1, 2 and 3 are minimal and will not give rise to any concerns in respect to overlooking, overshadowing, or being overbearing in nature. In the interests of any third parties or bodies, who were notified of the original decision it is considered that they would not be disadvantaged for the aforementioned reasons.

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

It is considered that the amendments would not be contrary to any policy of the Council.

In considering these tests, the following factors were relevant:

- The proposed changes would not result in the development falling outside the description of development on the decision notice.
- The proposed changes do not contravene any condition attached to the original permission.
- The proposed change would 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 likely been approved, had it formed part of the original application.

Officer note: It is acknowledged that condition 11 of previously approved application 2020/94342 does state that windows within plots 1, 2, 4 and 5 should be fitted with obscure glazing and the proposed changes would affect plot 1. Therefore provided the window is obscurely glazed it would accord with this condition. The windows proposed would provide light into non-habitable rooms and therefore there are no concerns in respect to overlooking or loss of privacy. The proposal would not fall outside of the description of development, would not require any further restriction and would likely have been approved if it formed part of the original application.

To conclude, the amendments shown on drawing no. 02 Rev B are considered, on balance, appropriate to be regarded as non-material amendments to the previous planning approval 2020/94342.

Decision Authorisation - Delegated Powers

Application Number: 2021/94423

Officer Recommendation: Approve NMA.

Decision Letter Text

The amendments sought are:

- The modifications include altering the location of the proposed windows on the side elevations of Plots 1 & 3 of previously approved application 2020/94342 from ground floor level to second floor.

- In addition, the rear patio doors to Plots 1, 2 & 3 are to be amended from double doors with flag windows to full height bi-folding doors.

These amendments are set out on the following drawing:

1. Plots 1-3 Proposed Plans and Elevations – Drawing No. 02 Rev B.

The amendments are acceptable provided the windows in plot 1 are obscurely glazed to accord with condition 11 of the original planning permission.

Report Dated:

01/12/2021