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:	**2022/NM/90436/W**
Site Address:	Land Adjacent, 19, Fields Rise, Kirkheaton, Huddersfield, HD5 0LZ
Description:	Non material amendment to previous permission 2021/92400 for erection of detached dwelling and demolition of single storey extension
Recommending Officer:	Ellie Worth

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: 21-Feb-2022

Application: 2022/90436

Site Address: Land Adjacent, 19, Fields Rise, Kirkheaton, Huddersfield, HD5 0LZ

Proposal: Non material amendment to previous permission 2021/92400 for erection of detached dwelling and demolition of single storey extension

Overview
The application seeks a non-material amendment to the previously approved erection of one detached dwelling and demolition of single storey extension.

The amendments seek permission to relocate the window for the ground floor W.C and to add an additional first floor side opening.

The previous proposal to alter roofing materials from Blue Slate to Marley Modern Interlocking tiles has been removed from this application.

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 change inconsequential in terms of its scale in relation to the original approval? **Yes**

If so, three further tests need to be met:
2. Would the change result in a detrimental impact either visually or in terms of living conditions? **No**
3. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **No**
4. Would the amendment be contrary to any policy of the Council? **No**

In considering the above, the following factors are relevant:
• The proposed changed 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, the proposal would not contravene with any planning conditions attached to the original decision notice as the dwelling is not yet completed or occupied. This means that the requirements of condition 9 are not yet in force.**
• 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 would be no increase in height, scale, width or depth of the development**

• The proposed change would likely have been approved had it formed part of the original application **– The change would have likely to have been approved as part of the original submission.**

Therefore in light of the above, the changes proposed would fall under the remit of a non material amendment and therefore have been considered acceptable. The change in roofing materials has however, been removed from this application, as it would result in a material visual change to the scheme and would have been contrary to the requirements of condition 4. As such, the agent has been advised to submit this alteration under a section 73 application (variation of condition) or a modified scheme.

Conclusion
For these reasons the proposal is considered to comply with the council's protocol and therefore it is recommended that the non-material amendment is approved.

Recommendation: Refuse Non-Material Amendment

Decision Letter text
The amendments sought are to relocate the ground floor W.C window and to add an additional first floor side opening to serve the stairway as shown on drawing no. 4170-03-C

Dated: 21st February 2022.