

**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/91232/E**

Site Address: 8, Ashbourne View, Cleckheaton, BD19 5JE

Description: Non material amendment to previous permission
2022/90404 for erection of three storey rear extension

Recommending Officer: Elenya Jackson

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.**

Emma Thompson

AUTHORISED OFFICER

Date: 04-May-2022

Application: 2022/91232

Site Address: 8, Ashbourne View, Cleckheaton, BD19 5JE

Proposal: Non material amendment to previous permission 2022/90404 for erection of three storey rear extension

Overview: The applicant seeks a non-material amendment to amend the finish of the previously approved three storey rear extension from materials matching the host dwelling to a render finish.

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. The four key tests in the Protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? The extension remains as approved other than the materials proposed to finish it. These would result in a material change to the design finish on the original approval and therefore would need to be assessed within an alternative application under a S73 (variation of condition) or a modified proposal.

2. Would the change result in a detrimental impact either visually or in terms of living conditions? Yes, the changes would result in the building having a different visual finish, to the scheme originally approved. The proposal would alter how the scheme would integrate with the host dwelling.

3. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? Yes, interested parties would likely wish to be made aware of proposed amendments as the LPA received objections to the original scheme.

4. Would the amendment be contrary to any policy of the Council? Given the extent of changes proposed, a detailed assessment of the amended scheme would need to be undertaken as part of a future application against the adopted Local Plan, the Council's Housebuilders Design Guide SPD and the NPPF.

Assessment:

Having compared the approved plans under the 2022/90404 application, this would result in material visual changes to the scheme and would be too significant to approve under a non-material amendment submission. To approve such changes, would contravene condition 3 and be contrary to points 1, 2, 3 and 4 of the Council's published Protocol outlined above. As such, an alternative Section 73 (Variation of condition) application or a modified scheme should be submitted.

Conclusion

On the basis of the above, the proposed alterations cannot be accepted as non-material amendments and therefore, the application is refused. Report dated: 5th May 2022.

Decision Text:

The proposed amendments would contravene condition 3 replacing matching materials with render. This variation would result in a material change to the design finish when considered alongside the original approval and therefore would need to be assessed within an alternative application under a S73 (variation of condition) or a modified proposal.