

**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/91739/E**

Site Address: Land south of, Granny Lane, Mirfield, WF14 8LA

Description: Non material amendment to previous permission
2019/91467 for erection of 67 dwellings with
associated access and parking

Recommending Officer: Nick Hirst

DECISION – Non Material Amendment - Granted

**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.**

Majors Team

AUTHORISED OFFICER

Date: 09-Sep-2022

Application: 2022/NMA/91739/E

Site: Land south of, Granny Lane, Mirfield, WF14 8LA

Proposal: Non material amendment to previous permission 2019/91467 for erection of 67 dwellings with associated access and parking

Overview

The desired amendment is to change the roof forms of all single and twin garages from gabled (side facing) to hipped.

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'. To assist with this assessment, the LPA has published its 'Protocol for dealing with non-material amendments'.

Assessment

The proposed amendment would fall within the original description of development. All works are to be within the red-line boundary of the original application.

The desired change, from gabled to hipped roofs, will reduce the massing of the garages due to smaller roof forms. For the twin garages, the maximum height will remain the same, while for the single the maximum height will be reduced from 4.95m to 3.9m. These described changes are considered inconsequential in terms of the scale, in relation to the original approval. Other aspects of the design, materials, garage door width / height, are unaffected.

Considering the impacts on amenity, for residential amenity the reduction of scale raises no concerns. For visual amenity, it is noted that the host dwellings would predominantly host gabled roofs while the garages would be changed to hipped. As detached garages, which are subservient in nature and predominantly set-back from the streetscene, it is not considered that the roof forms of the garages have to match their host dwellings, nor would it cause material harm to visual amenity.

Officers are satisfied that the change would not prejudice any of the parties historically interested in the application, be they members of the public or consultees.

The desired amendments are not considered to affect other material planning considerations. No conditions are considered necessary to make the proposed amendment acceptable. The proposed variations would not materially conflict with any of the conditions attached to the parent permission.

It is considered that the proposed amendment would comply with the policies of the LPA and, if received as part of the original application, are likely to have been approved.

Conclusion

On the basis of the above, while considering the Council's Protocol for dealing with non-material amendments, giving weight to the purpose of NMA applications the proposed change would be acceptable under the nonmaterial amendment procedure.

Proposed Letter Text

The amendment sought is the alteration to roof forms, as shown on the following plans:

- TG1/001
- SG1/001
- TG-COMP
- SG-COMP

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings.

Recommendation: Grant NMA

Report Dated 09.09.2022