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/92118/W**
Site Address:	adj, 41, Greenhead Lane, Dalton, Huddersfield, HD5 8EE
Description:	Non material amendment to previous permission 2022/90612 (erection of dwelling with detached garage) to amend the rear ground floor window to a door opening and remove two gable features to the north elevation.
Recommending Officer:	John Holmes

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.

Stuart Howden

AUTHORISED OFFICER

Date: 18-Jul-2022

Application no: 2022/92118
Address: Land adj, 41, Greenhead Lane, Dalton, Huddersfield, HD5 8EE

THE SITE

The site is situated to the rear of No.41 Greenhead Lane, which is a two storey detached dwelling set at an oblique angle to Greenhead Lane. The dwelling, which is constructed from brick under a tile roof, is relatively large.

The site comprises a garden area under the same ownership of No.41, which until recently comprised of grass, but this has now mainly been cleared. The site falls away from the residential curtilage of No.41. Access is from the same vehicular access serving No.41 Greenhead Lane, and a detached garage has been removed so as to provide access to the site to the rear of No.41. Closeboard fencing sits on the rear and side boundaries of the site.

There is an extant permission at the site for a detached dwelling (2008/91842) which was confirmed by a Lawful Development Certificate (2018/91965), but the dwelling has not been constructed. The site is within a predominantly residential area, with residential properties to either side of No.41. There is a variety of residential dwellings within the locality in terms of scale, form and appearance.

To the rear and sides of the application site is also undeveloped land. A wooded area sits to the rear of the site, with some protected trees amongst it. A minor part of the rear of the site is designated as part of a larger Urban Green Space designation (UG7) within the Kirklees Local Plan.

The site is not within a conservation area and there are no listed buildings within close proximity to the site.

THE PROPOSAL

The application relates to a proposed non material amendment to the previous permission (ref: - 2022/90612) granted approval for the erection of a dwelling with detached garage.

The proposed amendment would be to amend the rear ground floor window to a door opening.

PLANNING HISTORY

The most relevant planning history relates to the following planning applications

> **2022/90612** – Erection of dwelling with detached garage – **Approved** 17 May 2022

CONSULTATIONS

None

ALLOCATION AND POLICIES

The site is unallocated within the Local Plan, but a small part of the site is within an Urban Green Space designation within the Local Plan. The following policies were considered relevant in the consideration of the planning application: -

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (LP):

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and Geodiversity
- LP 33 – Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality.
- LP 53 – Contaminated Land
- LP 61 – Urban Green Space National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Considerations:

- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)

Insofar as the amendments relate to matters which affect the consideration of the above policies, these are discussed within the 'Assessment' section of this report.

ASSESSMENT

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.

With regard to the protocol for non-material amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?

The proposal would see a small-scale amendment to the rear insofar as the rear elevation window which serves a snug / games room would become a patio door. The width of the opening would remain the same with brickwork below the window now intended to be glazing and there to be a door within the glazing too.

To the front two gable features either side of a larger central gable feature are intended to be removed, these come above the eaves height and are low down in the roof. The intention would be for these to be removed and the roof to remain tiled to the eaves.

It is considered that the proposed amendments would have an inconsequential impact in relation to the visual impact of the development given it would reduce the massing / bulk of the front elevation and would be a minor amendment to the rear. As such it is considered the conclusion of the assessment of the planning application in relation to visual amenity is not considered to be materially impacted upon by the amendments proposed given they are of a small scale and would reduce the visual impact of the development.

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

The amendments are not considered to have a significant impact in terms of visual impact or impact upon the residential amenity of neighbouring / future occupiers of the proposal.

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 third parties made representation in relation to the development and no objections were received from any consultees. The amendments are considered to be of a minor nature such that were they to have been submitted during the consideration of the planning application it would not have been considered necessary to re advertise and the scheme as advertised adequately alerted the public to the nature of the proposal.

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

The development is not considered to be contrary to policies LP1, LP2 & LP24 of the Kirklees Local Plan or Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Supplementary Planning Document or the policies contained within Chapter 12 of the National Planning Policy Framework. These policies are considered to be relevant in the consideration of the amendments which are proposed.

Conclusion

The proposal is not considered to constitute a material amendment given the scale and nature of the amendments which are proposed. The development is therefore concluded to be acceptable.

DECISION NOTICE LETTER:

The amendments shown on drawing A(10)-01revB is considered appropriate to be regarded as a non-material amendment to the previous planning approval 2022/90612.