

**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/92850/E**

Site Address: 8, Harewood Avenue, Heckmondwike, WF16 0DB

Description: Non material amendment to previous permission
2022/91547 for erection of front dormer extension

Recommending Officer: Lyle Robinson

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.

Kirsty Nicholls

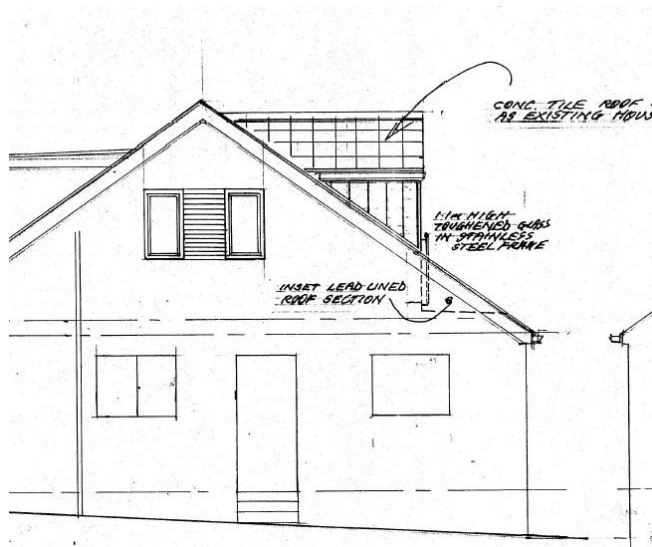
AUTHORISED OFFICER

Date: 15-Sep-2022

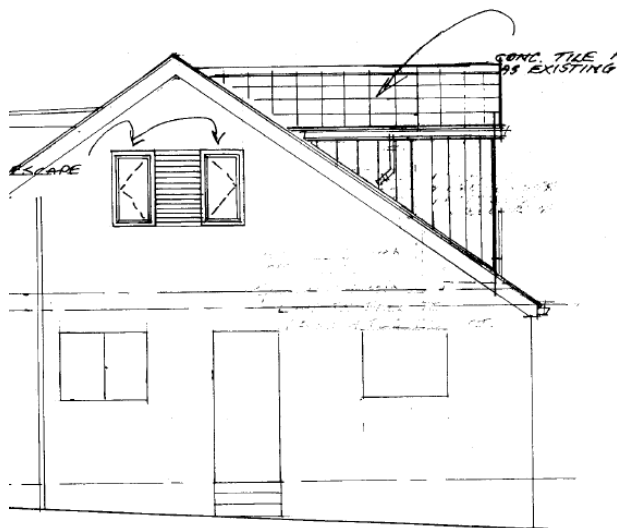
Overview

This application seeks a non-material amendment to application 2022/91547, which approved 2no. front elevation 2.4m width gable dormers, to serve expanded bedroom accommodation.

The amendment seeks to increase the projection of the front dormers by some 1.4m. This would reduce the space between the proposed dormers and the eaves from the approved approx. 1.6m gap to a proposed approx. 0.5m. The amendments have been detailed in the application form and drawing 22/68/A Rev B received by the Local Planning Authority on 25/AUG/2022.



Above: Approved Side Elevation



Above: Proposed Side Elevation

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 Kirklees 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 assessment be contrary to any policy of the Council? **No**

Assessment

National Planning Practice Guidance (NPPG) on making a non-material amendment, at paragraph 002, states that there is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority (LPA) must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The proposed increase in projection and massing of the front extensions would not introduce any additional overshadowing, loss of light or other residential amenity effects on neighbours or occupants. The increase in projection would not be visually marked or noticeable in the context of the development as a whole when compared to the original planning permission, nor would it make the extension appear materially more prominent in the streetscene than what has already been approved. It would not be a material amendment in respect of the design of the scheme and its impact on the character of the area.

It is considered that the overall appearance and design of the development will not be materially altered by the modest increase of the projection of these dormer windows. It would not appear any more prominent compared to the extant permission when viewed from the public highway looking at the side elevation of the building. The proposed NMA amendment would not materially increase the bulk or massing of the front dormer extension such that any new policy considerations would be engaged.

No representations were received during the currency of the original planning application 2022/91547.

It is considered that no third parties would be prejudiced, and that the non-material amendment would continue to fall within the original description of development, and that the NMA proposal would not be consequential in terms of the scale of the change to the development proposed.

Conclusion

Based on the above, the proposed change would be acceptable under the non-material amendment procedure and, as such, is recommended for approval.

Text for Decision Notice

The proposed amendment seeks to increase the projection of the front dormers by some 1.4m. This would reduce the space between the proposed dormers and the eaves from the approved approx. 1.6m gap to a proposed approx. 0.5m. Following an assessment, it is concluded that the overall appearance and design of the approved development would not be altered significantly by the visual change in the roof slope. This would not add materially to the footprint of the extension not significantly impact the bulk and massing of the building. The proposed amendment would be inconsequential in terms of the scale of the approved development. Therefore, as this amendment meets the test set out for non-material amendments, the proposed increase in projection of the dormer extensions are considered acceptable as a non-material amendment to the previously approved scheme and is hereby approved.