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:	**2023/NM/90730/W**
Site Address:	2, Wholestone Gate, Scapegoat Hill, Huddersfield, HD7 4PP
Description:	Non material amendment to previous permission 2022/90023 erection of single storey side and rear extension
Recommending Officer:	Laura Yeadon

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: 24-Mar-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90730

Site Description

2 Wholestone Gate is a relatively modern detached property located within an area which is unallocated within the Kirklees Local Plan.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2022/90023 for the erection of a single storey side and rear extension to the property.

The amendment relates specifically to the omission of 2 no. rooflights within the side (west) elevation of the extension. Under the approved plans, there are also 2 no. high level windows demonstrated on the side elevation which have not been included on the side elevation of this amendment proposal and are not referred to on the application form. As such, the matter for consideration is the omission of the 2 of the 3 approved roof lights.

Relevant Planning History

2022/90023 Erection of single storey side and rear extension
Conditional Full Permission

Assessment

The application is for a Non-Material Amendment for the omission of 2 no. rooflights to the side elevation of the extension.

The Council has adopted a protocol to deal with Non-Material Amendments. This states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**
   If so, the three further tests need to be applied as follows:
1. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
2. In the Authority's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
3. In the Authority's view 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 condition would be contravened**
- 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 is no increase in height, scale, width or depth of the extension demonstrated on plan**
- The proposed change would have likely have been approved had it formed part of the original application **– the change would have likely to have been approved**

The decision whether a proposed change qualifies as a non material amendment rests with the Local Planning Authority and there is no right of appeal if an application is not accepted.

In the absence of any definition of a non-material change, the following examples are intended to give guidance about changes unlikely to be accepted as 'non material'. It is not comprehensive and each non material amendment request must be considered on its merits having regard to all relevant circumstances:

- New or enlarged windows/openings/balconies resulting in loss of privacy or amenity to neighbours;
- Change adversely affecting the occupiers of a neighbouring property;
- Change that would affect a consultation response on the original application;
- An extension to the site boundary ('red edge') of application site;
- Changes to ground level which itself constitutes an 'engineering operation' or would result in potential loss of privacy or visual amenity;
- Works which are 'development' requiring planning permission in their own right;
- Any material increase in height, scale, width or depth of a building.
- Change to external materials which would adversely affect the character or appearance of the development or erode the quality of that which was originally approved.
- Change in house type.
- Change which alters the development significantly from what was described on the planning permission.
- An alteration which would conflict with conditions of the original planning permission.
- Any relevant objections to the original proposal would be compromised by the proposed amendment.
- The change would contravene adopted planning policy.

- The approved footprint / siting of the building would be moved in any direction by more than one metre.
- The change relates to development which has been the subject of enforcement action

In terms of this particular application, the alteration is the omission of 2 no. rooflights within the extension.
As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.
Recommendation **Approve**

Decision Authorisation – Delegated Powers

Application Number: 2023/90730

Officer Recommendation: Approve

Reason:

The amendment sought relates specifically to the omission of 2 no. rooflights within the side elevation of the extension as shown denoted with 'X' marked on the submitted West Elevation plan.

Report Dated: 24th March 2023