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/91103/E**
Site Address:	619A, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3JR
Description:	Non material amendment to previous permission 2021/93417 for change of use and alterations to convert dwelling into three residential flats
Recommending Officer:	Nina Sayers

DECISION – APPROVE NON-MATERIAL AMENDMENT

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-May-2023

Officer Report

The proposal seeks non-material amendments (NMA) to the previous permission 2021/93417 for change of use and alterations to convert dwelling into three residential flats.

The submitted plans and application form indicate that the non-material amendment being sought is for the alteration of the openings on the ground floor, including an additional opening.

The old drawings are:

- Proposed and Existing Elevation, Sections – AR-03
- Proposed and Existing Plan – AR-02

The new drawings are:

- Proposed and Existing Elevation, Sections – AR-03
- Proposed and Existing Plan – AR-02

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. They are as follows:

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

The proposed amendment would result in an additional opening in the front elevation to provide separate accesses to each flat. The proposed amendments would not change the scale of the approved structure. The proposed amendment would therefore be inconsequential in terms of scale in relation to the original approval.

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

The proposed amendment would create an additional opening in the front elevation which would change the appearance of the front of the approved building. This would be a marginal change and the new door would be in keeping with the existing in terms of scale. The property is set back from the highway and is therefore not prominent within the street scene. Therefore, the proposed change would not result in detrimental harm to visual amenity. The proposed opening would not directly face a residential property and as such would not be detrimental to neighbouring occupants.

In the Authority's view would the interests of a third part or body who participated in or were informed of the original decision be disadvantaged in any way?

One representation was received during consideration of the original approval. Concerns were raised regarding overlooking harm from the approved windows in the side elevation. The approved openings would be in a similar location to the existing and would not face directly onto neighbouring properties. Therefore it is considered that the interests of a third party or body who were informed of the original decision would not be disadvantaged.

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

It is thought that the amendments would not be contrary to any policy of the Council.

In considering these tests, the following factors were relevant:

- The proposed changes would not result in the development falling outside the description of development on the decision notice.
- The proposed changes do not contravene any condition attached to the original permission.
- The proposed change would not require a further restriction to make it acceptable.
- The proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would have likely to have been approved had it formed part of the original application.

To conclude, the amendment shown on drawings "Proposed and Existing Elevation, Sections – AR-03" and "Proposed and Existing Plan – AR-02" are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2021/93417.

Report dated: 04/05/2023