

**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/91167/E**

Site Address: 14, Thornhill Park Avenue, Thornhill, Dewsbury, WF12
0DA

Description: Non material amendment to previous permission
2022/91990 for erection of extensions and alterations

Recommending Officer: Nina Sayers

DECISION – REFUSED NON MATERIAL AMENDMENT

**I hereby authorise the refusal 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: 16-May-2023

Officer Report

The proposal seeks non-material amendments (NMA) to the original approval under application 2022/91990 for erection of extensions and alterations at 14 Thornhill Park Avenue.

The submitted plans and application form indicate that the non-material amendment being sought for a gable wall to front elevation and widening of ground floor and first floor extensions.

The old drawings are:

- Proposed elevations and plans – Rev. E

The new drawings are:

- Proposed rear extensions

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 significantly increase the scale of the approved ground floor and first floor rear extensions. Therefore, the amendment would be consequential 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 add significant mass to the north elevation which would be in close proximity to no.14a which has primary openings in the side elevation. As the proposal would change significantly in scale, it would have a detrimental impact upon the living conditions of the occupiers of neighbouring properties.

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?

No representations were received during consideration of the original approval, and 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?

The amendments would not comply with LP24(c) which states, “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, material and details and minimise impact on residential amenity of future and neighbouring occupiers”. The proposed amendment would not be in keeping with the scale of the existing dwelling.

Assessment

The proposed amendment would significantly increase the scale of the approved dwelling and would be contrary to policy LP24(c) which requires extensions to be in keeping with the existing building in terms of scale. Due to the failure to comply with the first and fourth test, the proposed alterations could not be considered under the NMA procedure; this is irrespective of whether the subsequent tests 2 and 3 could have been met.

Conclusion

The proposed alterations do not meet the first or fourth test set out in the NMA procedure and, therefore, fail to be considered a non-material amendment permissible under the NMA procedure. As such, this application is recommended for refusal.

Report dated: 04/05/2023