

**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/91202/E**

Site Address: 2, Leefield Road, White Lee, Batley, WF17 8AW

Description: Non material amendment to previous permission 2021/92082 for erection of single storey front and side extensions and conversion of garage to living accommodation

Recommending Officer: Nina Sayers

DECISION – REFUSE 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 30-May-2023

Officer Report

The proposal seeks non-material amendments (NMA) to the previous permission 2021/92082 for erection of single storey front and side extensions and conversion of garage to living accommodation.

The submitted plans and application form indicate that the non-material amendment being sought is to amend the pitch roof on the porch to a flat roof, amendments to the windows in the rear elevation and a gable end roof over garage. The roof would also be finished in blue slate instead of concrete.

The old drawings are:

- Proposed Extension – 21/204

The new drawings are:

- Proposed Extension – 21/204 Rev.A

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 amendments to the openings in the rear elevation and roofing materials would not change the scale of the proposal. The amendment to the porch from a pitched roof to a flat roof, this would be a slight reduction to the scale. The proposed amendment to the garage roof would add a gable end feature to the garage roof. The proposed alterations to the roof type would change the appearance of the property whilst adding some additional roof space in the garage. This would be a relatively small addition and would therefore be inconsequential as the principal of development would remain the same, and it would not significantly change the scale of 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 development would remain a significant distance from the neighbouring occupants to prevent any harm to residential amenity. Visually, the proposed amendments do change the appearance of the dwelling. The proposed change to openings would be minor and would not affect the visual amenity of the property. The proposed flat roof on the front porch would not be in keeping with the character of the property and would be in a prominent location. This would be detrimental to visual amenity and would need to be assessed under a full application. The proposed gable end to the garage would remain in keeping with the existing gable end feature and would therefore not be detrimental in terms of visual amenity. The original approval

conditioned that materials must match the existing and therefore if the applicant wants to amend the materials of the extended roof to materials not in keeping with the existing then this would be detrimental visually. If the applicant wants to amend the entire roofs materials this would require a full assessment under a planning application.

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, and their concerns were overcome via amendments to the scheme. This new scheme is also considered to not harm the interests of a third party or body who were informed of the original decision.

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 amendments shown on drawing '21/204 Rev.A' would not be in keeping with the existing dwelling and would therefore be detrimental in terms of visual amenity. Due to the failure to comply with the second test, the proposed alterations could not be considered under the NMA procedure; this is irrespective of whether tests 1, 3 and 4 could have been met. If the proposed extension was to be amended, a separate planning application would need to be submitted for the proposal to be assessed in terms of its impact on the visual and residential amenity.

Report dated: 26/05/2023

