

**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/91453/E**

Site Address: 48, Woodburn Avenue, Earlsheaton, Dewsbury, WF12
8LJ

Description: Non material amendment to previous permission
2022/90937 for erection of single storey rear
extension and side dormer extension

Recommending Officer: Elenya Jackson

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: 12-Jun-2023

Application: 2023/91453

Site Address: 48, Woodburn Avenue, Earlsheaton, Dewsbury, WF12 8LJ

Proposal: Non material amendment to previous permission 2022/90937 for erection of single storey rear extension and side dormer extension

Overview: The applicant seeks a non-material amendment to amend the appearance of the previously approved side dormer. The alterations include the alterations of the previously approved materials from timber to render. The 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 the 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?* The proposal would not increase the scale of the previously approved dormer.

2. *Would the change result in a detrimental impact either visually or in terms of living conditions?* The proposal would amend the materials of the previously approved dormer to feature a rendered finish. There is not currently any render within the street scene and it is considered that the proposal would introduce a new material into the street scene. Therefore, it is considered that the proposal would result in detrimental impact visually.

3. *Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way?* No, the proposal would not significantly impact the residential amenity of neighbouring residents and no objections were received to the original proposal.

4. *Would the amendment be contrary to any policy of the Council?* Comments were received by neighbours in relation to the previous scheme. As the materials would be visible from neighbouring properties and the public realm it is considered reasonable and necessary to allow third parties the chance to comment on the newly proposed materials.

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 would contravene condition three 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 not have likely to have been approved had it formed part of the original application

Conclusion

To conclude, the amendment shown on the submitted drawing 272-01-03A to amend the proposed materials of the previously approved dormer is not

considered to be acceptable and cannot be regarded as a non-material amendment to the previous approval 2022/90937.