

**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/91525/E**

Site Address: 39, Latham Lane, Gomersal, Cleckheaton, BD19 4AL

Description: Non material amendment to previous permission 2022/93682 for demolition of existing garage, erection of two storey side extension, pitched roof to existing house and alterations to facade

Recommending Officer: Nicole Helliwell

DECISION – NON MATERIAL AMENDMENT REFUSED

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: 19-Jun-2023

Officer Report

Reference No. 2023/NMA/91525/E

Site Address: 39, Latham Lane, Gomersal, Cleckheaton, BD19 4AL

Proposal: Non material amendment to previous permission 2022/93682 for demolition of existing garage, erection of two storey side extension, pitched roof to existing house and alterations to facade.

Site Description

39 Latham Lane is a two-storey semi-detached property located in Gomersal, Cleckheaton. The dwelling is predominately faced in stone and incorporates a dual pitched roof. The existing two storey side outrigger has brick side and rear elevations and incorporates a flat roof form. The property benefits from off road parking to the front and gardens to the front and rear. The neighbouring properties are of residential use and comprise bungalows and two storey dwellings of varying architectural styles.

Relevant Planning History

2022/93682: Demolition of existing garage, erection of two storey side extension, pitched roof to existing house and alterations to façade. Planning application details | Kirklees Council - **Conditional Full Permission**

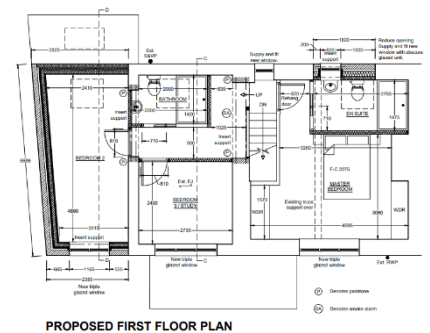
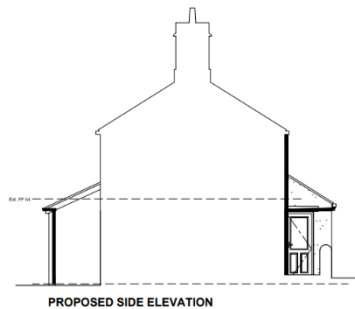
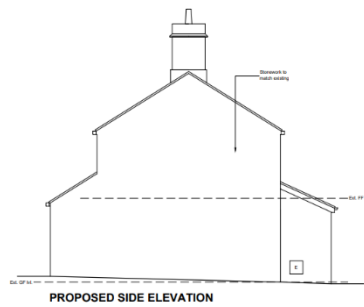
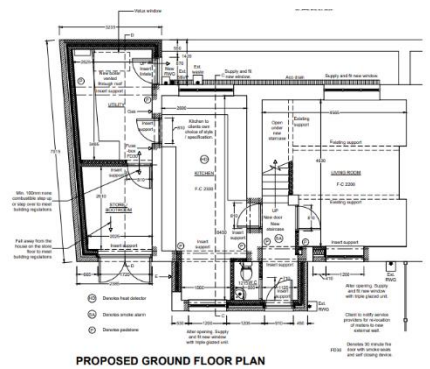
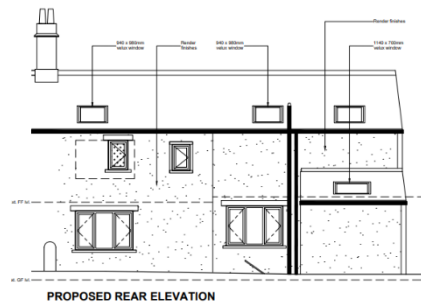
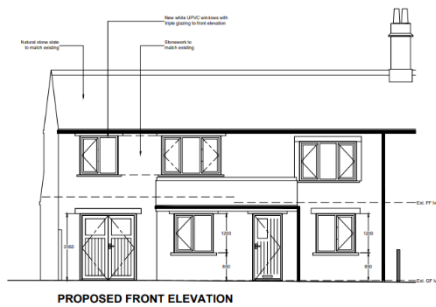
Overview

This application seeks a non-material amendment to planning application reference no. 2022/91525, which approved the demolition of an existing garage, the erection of a two storey side extension, a pitched roof to the existing house and alterations to the façade.

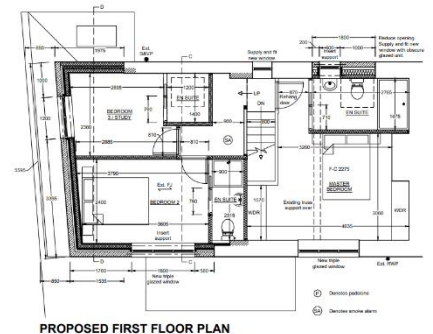
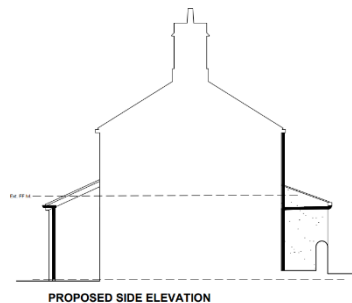
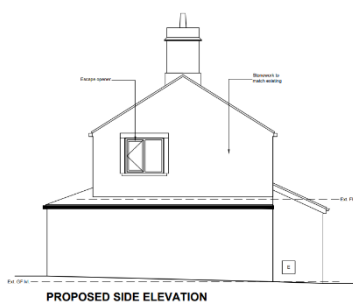
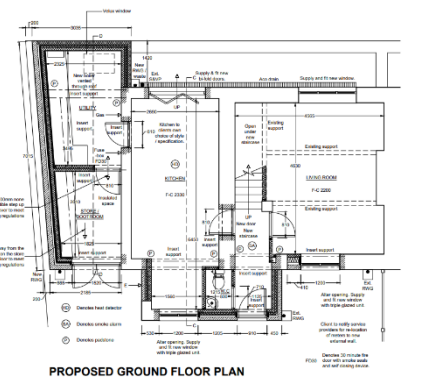
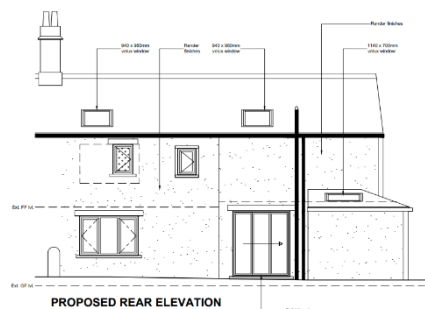
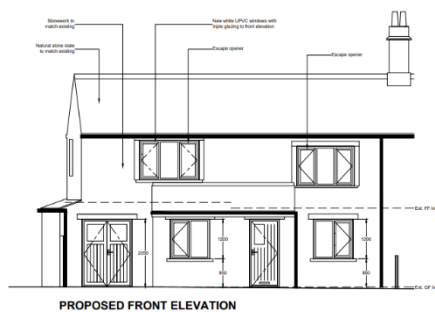
The amendment seeks to install one velux window to the rear roof plane, reduce the projection of the two storey side extension at ground and first floor level and alter the fenestration on the south-facing side, rear and front elevations. The amendments have been outlined within the application form and are also displayed on the following plans dates 23rd May 2023:

- Proposed Block Plan (M3889/04/101, Revision C)
- Proposed Ground Floor Plan (M3889/04/102 Revision C)
- Proposed First Floor Plan (M3889/04/103, Revision C)
- Proposed Front Elevation (M3889/04/201, Revision C)
- Proposed Side Elevation (M3889/04/202, Revision C)
- Proposed Rear Elevation (M3889/04/203, Revision C)
- Proposed Side Elevation (M3889/04/204, Revision C)
- Proposed Section C-C (M3889/04/301, Revision C)
- Proposed Section D-D (M3889/04/302, Revision C)
- Building Regulations Notes (M3889/04/304, Revision C)

Approved Elevations



Proposed Elevations



This 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?

Although the proposed amendment would seek to reduce the projection of the approved two storey side extension, it is considered that cumulatively the proposed changes would amount to significant variations from the approved scheme. Therefore, it is considered that the amendment would not be inconsequential in terms of scale in relation to the original approval.

1. Would the change result in a detrimental impact either visually or in terms of living conditions?

Whilst the submitted plans indicate that the changes would alter the appearance to a degree, it is considered that the proposed amendments would not result in a material change in the external appearance and would be acceptable. The plans demonstrate that a new principal first floor window would be installed to the south-facing side elevation to reflect the changes to the internal layout. It is noted that the window would serve a bedroom which is a habitable room and would face onto the gable end of the neighbouring property. Given that the window would have a restricted outlook, it is considered that the change would have a detrimental impact upon the living conditions of the occupiers of the host property.

1. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way?

No representations were received during the course of the original application and it is considered that the interests of a third party or body who were informed of the original decision would not be disadvantaged.

2. 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.

Conclusion

The proposal would contravene two of the four key tests of the acceptability of a change to an approved scheme under the non-material amendment procedure. The proposed amendment would result in a detrimental impact upon the living conditions of the occupiers of the property and would be inconsequential in terms of scale in relation to the original approval. On this basis, the proposed changes would not be acceptable under the non-material amendment procedure and as such, this application is recommended for refusal.

Report Dated: 16/06/2023