

**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/91751/E**

Site Address: 132, Church Lane, Gomersal, Cleckheaton, BD19
4QP

Description: Non material amendment to previous permission
2023/90836 for erection of single storey front
extension, single storey side extension, hip to gable
enlargement and rear dormer

Recommending Officer: Jennifer Booth

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: 10-Jul-2023

Overview

This application seeks a non-material amendment to application 2023/90836, which approved the erection of single storey front extension, single storey side extension, hip to gable enlargement and rear dormer.

The amendment seeks to provide a porch by increasing the width of the front extension approved. The amendments are shown on plans 345WM-P-03a and 345WM-P-02a submitted 13/06/2023.

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? **No – the resultant increase in the width of the front extension is prominent and would appear visually different.**

If so, three further tests need to be met:

1. Would the change result in a detrimental impact either visually or in terms of living conditions? **NA**
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **NA**
3. Would the amendment be contrary to any policy of the Council? **NA**

Assessment

The alterations do not cause the proposal to fall out of the original application’s description. However, the changes proposed would significantly alter the appearance of the approved dwelling and as such should be fully considered as part of a new planning application.

Conclusion

On the basis of the above, the proposed changes would not be acceptable under the non-material amendment procedure and as such is recommended for refusal.

Report Dated

19/06/2023
