

**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/93127/W**

Site Address: 9, Ryefields, Scholes, Holmfirth, HD9 1XF

Description: Non material amendment to previous permission
2022/92340 for erection of first floor extension

Recommending Officer: Lucy Taylor

DECISION – Non-Material Amendment Approved

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Teresa Harlow

AUTHORISED OFFICER

Date: 02-Nov-2023

Officer Report

The proposal seeks a non-material amendment (NMA) to the original approval under application 2022/92340 for the erection of a first-floor extension.

The submitted plans and application form indicate that the non-material amendment been sought is to reduce the size and move the position of the window. There are associated amendments to the internal layout

The approved drawing is:

- Proposed Rear Elevation (Dwg No. 331 Rev. C)
- Proposed First Floor Plan (Dwg No. 214 Rev. A)

The proposed drawing is:

- Proposed Rear Elevation Phase 2 (Dwg No. 026_314A)
- Proposed Internal Layout (section only showing the revised internal layout to shower room and walk-in-wardrobe).

With regard to the Council's published protocol for dealing with 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:

1. Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?

The proposed change is to only the fenestration details of the extension approved under application 2022/92340; the originally proposed 1st floor rear window is to be reduced in size and subsequently repositioned slightly. This is also due to limited change to a small area of the internal floor plan to non-habitable shower room and wardrobe space.

The proposal is not considered to alter the original 'description of proposal' granted planning permission under application 2022/92340, which read '*erection of first floor extension*'.

Therefore, this change is considered inconsequential in terms of its scale in relation to the original approval.

1. In the Authority's View would the proposed change result in a detrimental impact either visually or in terms of living conditions?

The proposed change to fenestration would not result in a detrimental impact either visually or in terms of living conditions.

The proposed replacement window would be in keeping with the windows installed within the host property, of the same design.

In addition, the submitted plans annotate that the replacement smaller window would be framed in UPVC. This is the same material as the window approved under application 2022/92340.

Whilst the internal layout would be altered slightly, this would not affect living conditions. The alterations to the layout would not affect habitable spaces internally, proposing that the originally approved ensuite become a smaller bathroom and wardrobe space.

2. In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?

It is not considered that the proposed change would disadvantage any third parties who participated in or were informed of the original decision.

This is because the proposed window is to be installed in place of an originally approved larger window, which also served a bathroom internally. In turn, the change will not alter the original conclusion with regard to impacts upon residential amenity.

3. In the Authority's View would the amendment be contrary to any policy of the Council?

The amendments would not be contrary to any policy of the Council.

Conclusion

To conclude, it has been considered that the amendments shown on the submitted drawings are appropriate to be regarded as a non-material amendment to the previous planning approval 2022/92340.

Report dated: 01.11.23

