

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: **2024/NM/90532/E**

Site Address: 15, Kipling Close, Crosland Moor, Huddersfield, HD4 5HA

Description: Non material amendment to previous permission 2023/92259 for erection of two storey side and rear extensions and single storey rear extension with hip to gable roof and alterations

Recommending Officer: Teresa Harlow

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.

John Holmes

AUTHORISED OFFICER

Date: 08-Mar-2024

Officer Report

Application: 2024/90532

Site Address: 15 Kipling Close, Crosland Moor, Huddersfield. HD4 5HA

Site Description

The application relates to 15 Kipling Close, a semi-detached dwelling located within the residential area of Crosland Moor, Huddersfield. The dwelling is located on a street where dwellings are of similar design, share similar appearances and are of similar scale. The dwelling has off-street parking located to the front of the house. The dwelling benefits from a rear garden

Description of Proposal

The application is seeking a non-material amendment to previous permission 2023/92259 for erection of two storey side and rear extensions and single storey rear extension with hip to gable roof and alterations.

The amendment are shown on drawing nos.

23-001 - PL - 07 - Existing and Proposed Elevations

23-001 - PL - 06 - Existing and Proposed Plans

The amendment relates specifically to the projection and design of the two-storey side extension. The side extension would project further towards the front elevation and have a 'lean-to' and hipped roof form, rather than a double gable roof form. There are consequential changes to the window and door arrangements in the front elevation and the upper floor of the rear elevation.

In the front elevation there would now be a door and a window in the side extension, instead of a window and door. There would be another new window in the ground floor front elevation of the original dwelling (but this would constitute permitted development). In the first floor rear elevation, two single windows would replace a larger single window.

Relevant Planning History

2023/92259 – erection of two storey side and rear extensions and single storey rear extension with hip to gable roof and alterations. Approved 11th October 2023.

Also of relevance is the consideration of a recently refused application at the site, details as follows:

2023/62/93589 - 15, Kipling Close, Crosland Moor, Huddersfield, - Erection of two storey side and rear extensions with hip to gable roof and alterations, refused for the following reason:

The proposed two storey side extension, by reason of its siting, design and overall appearance would be an overly prominent and incongruous form of development that would cause material harm to the visual amenity of the host property and the wider street scene. It would also have the potential to cause an undesirable terracing effect. The proposal would therefore be contrary to Policies LP24 (a) and (c) of the Kirklees Local Plan, Principles 1 and 2 and paragraphs 5.19 and 5.20 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

The relevance of the planning history in the consideration of this application for non-material amendment is set out in the following assessment of this application.

Assessment

The Council has adopted a protocol to deal with Non-Material Amendments. This states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES, in this isolated case. This also takes into account the assessment in the later application at the site.**
If so, the three further tests need to be applied as follows:
2. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
3. In the Authority's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
4. In the Authority's view would the amendment be contrary to any policy of the Council? **NO**

In considering the above, the following factors are relevant:

- The proposed change to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision notice - **the description of development would be the same**
- The proposed change must not contravene any condition attached to the original permission – **no condition would be contravened**
- The proposed change should not require a further restriction to make it acceptable – **no further restrictions would be required**
- The proposed change would not result in any 'material' increase in height, scale, width or depth of a building – **the amendment would not increase the overall height of the development, taking the scale of the two-storey rear extension into account or the width of the side extension. It would provide more accommodation**

towards the front of the development; but this is not considered to have a material increase to the building, in particularly visually and taking into account the requirements of the adopted SPD.

- The proposed change would likely have been approved had it formed part of the original application – **the change would have been likely to have been approved**

The decision whether a proposed change qualifies as a non material amendment rests with the Local Planning Authority and there is no right of appeal if an application is not accepted. In the absence of any definition of a non-material change, the following examples are intended to give guidance about changes unlikely to be accepted as 'non material'. It is not comprehensive and each non material amendment request must be considered on its merits having regard to all relevant circumstances:

- New or enlarged windows/openings/balconies resulting in loss of privacy or amenity to neighbours;
- Change adversely affecting the occupiers of a neighbouring property;
- Change that would affect a consultation response on the original application;
- An extension to the site boundary ('red edge') of application site;
- Changes to ground level which itself constitutes an 'engineering operation' or would result in potential loss of privacy or visual amenity;
- Works which are 'development' requiring planning permission in their own right;
- Any material increase in height, scale, width or depth of a building.
- Change to external materials which would adversely affect the character or appearance of the development or erode the quality of that which was originally approved.
- Change which alters the development significantly from what was described on the planning permission.
- An alteration which would conflict with conditions of the original planning permission.
- Any relevant objections to the original proposal would be compromised by the proposed amendment.
- The change would contravene adopted planning policy.
- The approved footprint / siting of the building would be moved in any direction by more than one metre**
- The change relates to development which has been the subject of enforcement action

In terms of this particular application, the projection of the two-storey side extension would be brought forward but would still sit behind the front elevation by 400mm. The changes to window arrangements would not result in reduced separation distances between properties, the side extension would only overlap a landing/stair window in no. 17. The change to the side elevation would not result in increased overshadowing/overbearing impact – taking account of the already approved scheme and the conclusions drawn in the consideration of the recently refused application.

With reference to the only issue marked with ** in the guidance points above, the approved footprint would not be 'moved' – but would be extended by more than 1m towards the front of the property. However, an extension of a greater final dimension, height and mass was submitted under application no. 2023/93589 which elicited no neighbour representations and which also included windows in the side elevation. Had the scheme submitted in this non-material amendment been submitted before a decision was made on that application, it would have been approved. Taking this into account, the refinement and changes to the originally approved scheme are considered acceptable as 'non-material' amendments in this case.

It should be noted that the conclusion the amendment is non material in this case is within the context of the planning history, suggested amendments set out to the applicant within the consideration of the most recent application and the consideration of that application at the point it was determined.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.

Recommendation **Approve**

Decision Authorisation – Delegated

Application Number: 2024/90532

Officer Recommendation: Approve

Decision Text

The amendment sought is to the proposed design and appearance of the two-storey side extension, the window arrangement on the first floor of the rear extension and to add an additional window to the front elevation of the original property. These amendments are shown on drawing nos. 23-001 - PL - 07 - Existing and Proposed Elevations and 23-001 - PL - 06 - Existing and Proposed Plans.

Report Dated: 06/03/2024

