

**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/90562/W**

Site Address: 13, Hollin Brigg Lane, Holmbridge, Holmfirth, HD9
2PG

Description: Non material amendment to previous permission
2023/93442 for partial demolition, erection of single
storey front and side extension with roof terrace above
and external alterations

Recommending Officer: Joanna Rednall

DECISION – Approve Non-Material Amendment

**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: 28-Mar-2024

Officer Report

Site Description

13, Hollin Brigg Lane is a detached bungalow located in Holmbridge, Holmfirth. The property benefits from a medium sized lawned garden to the front and rear. The exterior walls of the dwelling are constructed with buff York stone with grey roof slates for the gable roof.

The application site is located within the River Holme Settled Valley Floor.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2023/93442 for partial demolition, erection of single storey front and side extension with roof terrace above and external alterations.

The amendment relates specifically to a reduction of the footprint of the approved extension. The width would be reduced by 300mm and the forward extension would be reduced by 212.5mm.

The reason for the amendments is stated as "IMPROVED ACCESS TO THE REAR OF THE EXISTING PROPERTY FOR RESIDENTS AND IMPROVED ACCESS FOR UTILITIES COMPANIES TO SERVICES AT THE REAR AND SIDE OF THE EXTENSION".

The amendments are shown on plan ref nos. A-210000-B08 (floor plans) A-211000-B06 (elevations)

Relevant Planning History

2023/93442 - Partial demolition, erection of single storey front and side extension with roof terrace above and external alterations (Conditional full permission)

Assessment

The application is for a Non-Material Amendment for the partial demolition, erection of single storey front and side extension with roof terrace above and external alterations.

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**
If so, the three further tests need to be applied as follows:
 1. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**

2. 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**
3. 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 sideways extension would be reduced by 300mm and the forward extension would be reduced by 212.5mm.**
- The proposed change would have likely have been approved had it formed part of the original application – **the change would have 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.

