

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/90761/W**

Site Address: 16, Morton Green, Almondbury, Huddersfield, HD5 8TT

Description: Non material amendment to previous permission 2022/91425 for erection of two storey side extension with front balcony (modified proposal)

Recommending Officer: Tom Hunt

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: 24-May-2024

Officer Report

Application: 2024/90761

Site Address: 16, Morton Green, Almondbury, Huddersfield, HD5 8TT

Site Description

16 Morton Green is a semi-detached, two storey property finished with white render and has grey concrete roof tiles on a hipped roof form. It has white uPVC windows. The property is set back from the road, on level ground and has a front garden/amenity area wrapping around the house to join the rear garden. The side of the property benefits from no neighbours to its south instead facing onto mature trees. Finthorpe Lane is a PROW to the south of the property. No. 16 is on the end of a close of similarly constructed residential properties

Description of Proposal

The application is seeking a non material amendment to previous permission 2022/91425 for erection of two storey side extension with front balcony (modified proposal).

The amendment relates specifically to the two-storey side extension and to its ground floor window to the front elevation previously approved. This window would be altered to a window and door.

Officer Note: the proposal appears to be mostly complete from site surveys.

Relevant Planning History

2020/92850	Erection of two storey side extension. <i>Approved.</i>
2022/91425	Erection of two storey side extension with front balcony (modified proposal) <i>Approved.</i>

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**

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 is not considered to have a material increase to the building**
- 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, examples are given within the Kirklees Council Protocol for NMAs. They are not comprehensive and each non material amendment request must be considered on its merits having regard to all relevant circumstances.

In terms of this particular application, the double window would be reduced in width and would have a solid door. The proposed window and door's considerable separation distance to the opposite neighbour would prevent any additional loss of privacy or amenity to any neighbours. and would not have a change in form of the two-storey side extension. It is also noted that the alteration could be carried out under Permitted Development Rights.

The proposal would not conflict with any of the Protocol examples given and would therefore be in accordance with the Protocol. It is therefore recommended that the Non-Material Amendment is approved.

Recommendation

Approve

Decision Authorisation – Delegated

Application Number: 2024/90761

Officer Recommendation: Approve

Decision Text

The amendment sought is to alter an existing window to be a window and door to the primary elevation of the two-storey side extension as shown on drawing number 190-Arch.24 – Proposed and Existing Floor and Elevation Plans.

Report Dated: 24/05/2024