

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/90797/E**

Site Address: 14, Shirley Mount, Gomersal, Cleckheaton, BD19 4NL

Description: Non material amendment to previous permission
2020/91183 for erection of two storey and single
storey rear extension and external alterations

Recommending Officer: Edward Cheseldine

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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 23-Apr-2024

Officer Report

2024/90797 - 14, Shirley Mount, Gomersal, Cleckheaton, BD19 4NL

The application is to seek a non-material amendment to application 2024/90797 which was for the erection of a two-storey and single storey rear extension.

The amendment seeks to change the roof style on the two-storey section of the building from a hipped roof to a gable-end roof.

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?

Yes, the scale of the approved proposal will not be altered, only the roof style will be changed.

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?

In terms of character, the development relates to a rear extension which is not visible from the public domain. Original roof types in the area are predominately hipped, including a rear extension of a nearby property. However, given the modest alteration, which is at the rear of the building, it would not be to the detriment of the character of the host dwelling or the character of the area.

In terms of impact to living conditions, the roof will be ~1.50m from the adjoining semi-detached building. Given the distance, there will not be a loss of outlook or a loss of light from the change to the roof shape. In terms of 13 Shirley Mount, there may be a minor reduction in sunlight observed in parts of the residential garden during the winter months when the sun is low, however the loss of sunlight is considered to be

minimal. Again, due to distance there will not be a loss of light in habitable rooms or outlook.

2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way?

No, the alterations are minor cosmetic amendments.

3. Would the amendment be contrary to any policy of the council?

No, the alterations comply with council planning policy, including the Kirklees Local Plan & Kirklees House Extensions & Alterations Supplementary Planning Document.

Assessment

The alterations do not cause the proposal to fall out of the original application's description.

All materials are to match those of the host building as per the existing approval. The extension to the dwelling is already approved in terms of its scale

The alteration of a hipped roof to a gable-end roof would neither impact the character of the host dwelling or wider area, nor have an impact on the living conditions of neighbours.

None of the original application's conditions are breached by the proposal, nor are any further conditions required for the amendments to be acceptable. No council policies are contradicted by the amendments.

Conclusion

On the basis of the above, the proposed change would be acceptable under the non-material amendment procedure and as such is recommended for approval.

