

**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/90847/W**

Site Address: 7, Lower Greave Road, Meltham, Holmfirth, HD9 4DY

Description: Non material amendment to previous permission  
2023/91332 for erection of single storey rear  
extension (within a Conservation Area)

Recommending Officer: Laura Yeadon

**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: 12-Apr-2024**

## **Officer Report**

[Weblink](#)

### **Site Description**

7 Lower Greave Road is a three storey end-terraced property located within the Green Belt and also the Wilshaw Conservation Area. The property is constructed from stone with a stone slate roof. The property is accessed off Lower Greave Road via a private shared driveway. Due to topography the garden area to the rear is split level and to the rear on the shared boundary with the attached neighbouring property having a garden level which is set higher than the garden of the application site.

The properties within the tight cluster of development are constructed from stone being mainly attached/terraced/back to back properties. Beyond the confines of the hamlet are open fields.

### **Description of Proposal**

The application is seeking a Non-Material Amendment to an application previously approved under application number 2023/91332 for the erection of a single storey extension (within a Conservation Area).

The amendment relates specifically to the east elevation of the extension. The permission approved the use of obscure glazing on the east elevation of the proposal and the amendment is to replace the glazing with regular coursed second hand stonework. The reason for the amendment is that the proposed extension can be viewed into from the neighbours rear access.

### **Relevant Planning History**

- 2020/93357 Certificate of Lawfulness for proposed change of use of two dwellings to one dwelling (within a Conservation Area)  
*Granted*
- 2021/90263 Alterations to No. 1, 3 and 9 Lower Greave Road to form two dwellings (within a Conservation Area)  
*Conditional Full Permission*
- 2023/91332 Erection of single storey rear extension (within a Conservation Area)  
*Conditional Full Permission*

### **Assessment**

The application is for a Non-Material Amendment for the approved obscurely glazing within the east side elevation being replaced with coursed natural stone.

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 - **there is no proposed increase in height, scale, width or depth to the extension**
- 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;



