

**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/90902/W**

Site Address: 573, Bradford Road, Fixby, Huddersfield, HD2 2JW

Description: Non material amendment to previous permission
2023/91354 for Alterations and extension of first floor
bedroom over existing garage

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.**

John Holmes

AUTHORISED OFFICER

Date: 23-Apr-2024

Officer Report

[Weblink](#)

Site Description

573 Bradford Road is a large detached property set back from the roadside separated by a front garden. A larger garden is located to the rear. The site frontage is characterised by a red brick wall. Other properties within the street scene are comprised of large detached properties with the facing properties being semi-detached dwellings. There is no uniformity in terms of design.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2023/91354 for alterations and extension of first floor bedroom over existing garage.

The amendment relates specifically to the finishing material. The original permission imposed a condition relating to materials and that these should match the host property.

The existing property hosts pebble dash render and it is proposed that the works to the extension and the alterations would be finished with a cream white marley cedar cladding. The submitted plans indicate that the cladding would be applied to the extended section of the building and also the original property.

Relevant Planning History

2017/94322 Works to TPO(s) 17/98
Granted

2020/93232 Works to TPO(s) 17/98
Granted

2023/91354 Alterations and extension of first floor bedroom over existing garage
Conditional Full Permission

Assessment

The application is for a Non-Material Amendment for the alteration of the finishing materials to the extended section of the building.

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 changed 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 as it appears on plan that the proposed cladding would be applied to the first floor of the existing property and therefore the condition for matching materials would not 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 – **no proposed changes**
- 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.

