

# **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/91702/W**

Site Address: 68, New Hey Road, Marsh, Huddersfield, HD3 4AJ

Description: Non material amendment to previous permission  
2024/90345 for erection of detached garage to the  
rear

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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 02-Dec-2025**

## **Officer Report**

### **Site Description**

68 New Hey Road is semi-detached, two-storey stone built property located off one of the main arterial routes into Huddersfield town centre. The property is approximately late 19th to early 20th century and is of a relatively large scale with a two-storey rear projection. To the front of the property is a small area of garden and there is a narrow hard surfaced area to the rear, given over to parking. Vehicular rear access is via narrow, single width unadopted road to rear of 16 to 58 Thornhill Avenue.

It is not Listed or in in a Conservation Area. it is adjacent to Lindley Masonic Hall to its northwest (designated as a community facility) and to its semidetached paired property no. 66. The local area is residential with various styles of detached single-storey outbuildings at the rear of the properties' gardens.

### **Description of Proposal**

The application is seeking a Non-Material Amendment to an application previously approved under application number 2024/90345 for erection of detached garage to the rear.

The amendment relates specifically to the rear elevation of the garage, where the rear access door would be relocated from the right hand side to the centre of the rear elevation. The application form states this is needed for the PV Battery system to be located to the left of the door and a double Electrical vehicle charger to the right of the centre door. The application seeks to add a traditional timber window with traditional stone header and cill either side of the door.

The proposed alteration is shown on the plans 'Proposed Plans, Elevations & Sections' (02\_04).

### **Relevant Planning History**

2024/90345 - Erection of detached garage to the rear

### **Assessment**

The application is for a Non-Material Amendment for the relocation of the rear pedestrian door.

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 would be no material increase in height, scale, width or depth of a 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, 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 in house type.

- 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.
- The change would contravene adopted planning policy.
- The approved footprint / siting of the building would be moved in any direction by more than one metre.
- The change relates to development which has been the subject of enforcement action

In this application, the proposed alteration involves relocating the rear pedestrian door from the right-hand side of the rear elevation to a central position. This change would also introduce two new traditional timber windows, positioned symmetrically on either side of the relocated door.

With regard to residential amenity, the new openings would face the rear elevation of the host property, with existing boundary treatments providing effective screening. Given these factors, together with the ancillary nature of the building as a garage, it is considered that the proposal would not result in any harmful impact on residential amenity.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.

**Recommendation** **Approve**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2024/91702

**Officer Recommendation:** Approve

**Reason:**

The amendment sought to relocate the rear access door as shown on drawing 'Proposed Plans, Elevations & Sections' (02\_04).

**Report Dated:** 27/11/2025

