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/91992/E**
Site Address:	145, Westgate, Heckmondwike, WF16 0EW
Description:	Non material amendment to previous permission 2023/90553 for change of use of 2 dwellings and 2 commercial units to form 6 flats with associated extensions and alterations
Recommending Officer:	Edward Cheseldine

DECISION – Non-Material Amendment - Approved

I hereby authorise the approval/refusal* (delete as appropriate) 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: 15-Aug-2024

Officer Report

2024/91992 - 145, Westgate, Heckmondwike, WF16 0EW

The application is for a non-material amendment to previous permission 2023/90553 for change of use of 2 dwellings and 2 commercial units to form 6 flats with associated extensions and alterations.

The amendment seeks to change the external wall layout to create orthogonal external walls on the front elevation of the building, in turn this will reduce the internal space of bedrooms.

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 alterations will reduce the size of the overall development by a degree due to changes to the angle of the external walls which would appear inconsequential when observed.

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 visual amenity, the perpendicular external walls would appear geometrical and are considered to have a more pleasant appearance.

In terms of residential amenity, perpendicular indoor space is functional and practical. The internal floor space of the bedrooms will be reduced; therefore the changes have been assessed against the guidance set out in the National Described Space Standards (NDSS). In terms of changes, Flats 1, 2, 4 & 5 will have changes to their internal floorspaces.

Flat 1 will be reduced, it will now contain a single bedspace, it will be ~9.21m2 and 2.75m in width which accords with the guidance set out in the NDSS. This flat will be smallest of the flats and has an occupancy capacity of 1 person.

Flat 2 will also be reduced to a single-bed space, it will have a bedroom floorspace of ~14.19m2. The total floor space and bedroom space accords with the NDSS.

Flat 4 still maintains a double room, with an internal floor space of ~11.50m2. The total floor space and bedroom space accords with the NDSS.

Flat 5 also maintains a double bedspace, with an internal floor space of ~14.60m. The total floor space and bedroom space accords with the NDSS

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

No, the alteration will not impact surrounding occupants or habitable rooms.

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 Builders Design Guide SPD.

Assessment

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

All materials are to match those of the original approval. The building is already approved in terms of its scale and ridgeline height which will be retained.

The alteration to the external walls will appear geometrical when viewed from viewing the front façade and is the plans are generally considered to be an improved scheme in terms of visual appearance.

In turn the bedroom floorspaces and flat floorspaces accord with the NDSS which is acceptable.

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.