

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/92390/E**

Site Address: Broomfield Farm, Stringer House Lane, Emley Moor,
Huddersfield, HD8 9SU

Description: Non material amendment to previous permission
2024/90227 for erection of single storey rear
extension, raised patio and amendments to window
openings

Recommending Officer: Jennifer Booth

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: 25-Sep-2024

Overview

This application seeks a non-material amendment to application 2024/90227, which approved a rear extension, raised patio and amendments to window openings.

The amendment seeks to reduce the width of the extension, the projection and shape of the raised patio and the window alterations on the front. The amendments are shown on plans 302D and 301D submitted 23/08/2024.

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

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? No
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? No
3. Would the amendment be contrary to any policy of the Council? No

Assessment

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

The reduction in the width of the extension together with the reductions to the raised patio and alteration to the windows on the front elevation would not result in any overshadowing, overbearing or loss of privacy.

The proposal would see the projection of the extension from the rear elevation of the host property increase from 3.5m to 4.23m. This would see an area previously to be raised platform to be incorporated within the extension. The steps would be re sited further from the shared boundary to within the centre of the raised platform. Notwithstanding this amendment to the projection, and the size of the extension. In the circumstances of this case it is considered that against the context of the approved consent, and the extent of built form

already in place, this amendment would not have a material impact in this instance.

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.

Report Dated 24/09/2024