

**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/92669/W**

Site Address: 16, Longden Avenue, Beaumont Park, Huddersfield,  
HD4 5JD

Description: Non material amendment to previous permission  
2022/91811 for demolition of existing garage and  
erection of two storey side and rear extensions with  
front porch to amend front ground floor window

Recommending Officer: Joshua Merriman

**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: 16-Oct-2024**

## **Application no: 2024/92669**

ADDRESS: 16 Longden Avenue, Beaumont Park, Huddersfield, HD4 5JD.

### **THE SITE**

The application site relates to a two-storey semi-detached stone and rendered dwelling, located off Longden Avenue in Beaumont Park. The property benefits from a relatively long driveway to the front and side of the dwelling, with garden/amenity spaces available to the front and rear. A detached single garage is also provided to the rear. The immediate locality is predominantly residential in character. The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

### **THE PROPOSAL**

Non material amendment to previous permission 2022/91811 for demolition of existing garage and erection of two storey side and rear extensions with front porch to amend front ground floor window.

### **PLANNING HISTORY**

The most relevant planning history relates to the following planning applications:

2022/91811 – Demolition of existing garage and erection of two storey side and rear extension – Conditional Full Permission.

### **CONSULTATIONS**

None

### **ALLOCATION AND POLICIES**

The following policies were considered relevant in the determination of application 2022/91811:

#### **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

#### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

#### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 15 – Conserving and enhancing the natural environment

Insofar as the amendments relate to matters which affect the consideration of the above policies, these are discussed within the 'Assessment' section of this report.

## **ASSESSMENT**

The 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.

With regard to the protocol for non-materials amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?

The proposed amendment would see a window within the property, therefore, the amendment will not increase the footprint of the dwelling. As a result, the proposal is deemed inconsequential in terms of its scale in relation to the original approval.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

The proposed amendment would not extend the building from the existing front elevation. Given this, there is not considered to be a significant visual impact on surrounding properties. Furthermore, there will be no significant negative impact on living conditions, with the proposal being alteration of an opening.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?

It is considered the interests of any third party would not be disadvantaged given the nature of the proposed amendment.

In the Authority's view would the amendment be contrary to any policy of the Council?

The proposed window meets the requirements of Key Principle 3 of the House Alterations and Extensions SPD, as well as policies LP1, LP2 & LP24 of the Kirklees Local Plan. As a result, the amendment is not considered contrary to these applicable policies.

In considering the above, the following factors are relevant:-

- The proposed changes to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision Notice e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension.
- The proposed change must not contravene any condition attached to the original permission.
- The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.)
- The proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would have been likely to have been approved had it formed part of the original application.

These factors have been taken into account in the assessment of this proposed amendment. It is considered that the proposed amendment does not materially affect the approved scheme and the proposed amendment would have been considered acceptable had it formed part of the original application.

## **CONCLUSION**

The proposal constitutes a non-material amendment to the previous planning approval 2022/91811.

Decision Letter Text:

The amendments shown on drawing No 707-01H are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2022/91811.