

**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/93211/E**

Site Address: The Meadows, 3, Ash Farm Court, Thurstonland,
Huddersfield, HD4 6WR

Description: Non material amendment to previous permission
2024/91464 for erection of sun room, installation of
replacement windows and doors and alterations
(within a Conservation Area)

Recommending Officer: Elenya Jackson

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.**

Emma Thompson

AUTHORISED OFFICER

Date: 19-Dec-2024

Application: 2024/93211

Site Address: The Meadows, 3, Ash Farm Court, Thurstonland, Huddersfield, HD4 6WR

Proposal: Non material amendment to previous permission 2024/91464 for erection of sun room, installation of replacement windows and doors and alterations (within a Conservation Area)

Overview: The applicant seeks a non-material amendment to amend the details of the windows on an existing dwelling. The alteration is for revisions to the first floor windows on the eastern side of the property to increase the scale of the windows to 1.5m

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. The four key tests in the Protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? *The proposal would not increase the scale of the previous extension and would be within the original description of development which included alterations to existing windows.*
2. Would the change result in a detrimental impact either visually or in terms of living conditions? *The proposal would not impact the residential amenity of neighbouring residents. The alterations have been reduced in scale since submission this has reduced their impact on the character of the host building.*
3. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? *No, the proposal would not materially impact the residential amenity of neighbouring residents.*
4. Would the amendment be contrary to any policy of the Council? *As previously highlighted, the proposal would not create any additional harm to the residential amenity of neighbouring residents and the altered fenestration would be to the rear of the dwelling and not provide any additional concerns regarding overlooking.*

In considering these tests, the following factors were relevant:

- The proposed changes would not result in the development falling outside the description of development on the decision notice.
- The proposed would contravene condition three attached to the original permission.
- The proposed change would not require a further restriction to make it acceptable.
 - The proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would not have likely to have been approved had it formed part of the original application

Conclusion

To conclude, the amendment shown on the submitted drawing 23072D-01-P011 to amend the window details in the rear elevation of the property is

considered appropriate to be regarded as a non-material amendment to the previous approval 2024/91464.