

**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/93259/W**

Site Address: **8, Tor View, Brockholes, Holmfirth, HD9 7BQ**

Description: **Non material amendment to reduce the scale of previous permission 2023/93404 (demolition of existing garage and workshop and erection of single and part two storey side extension) to a single storey development removing roof lights and reducing the height of the extension and footprint of the extension.**

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Dec-2024

Application no: 2024/93259

ADDRESS: 8, Tor View, Brockholes, Holmfirth, HD9 7BQ.

THE SITE

The application site relates to a medium sized two-storey brick-built detached dwelling, located at the end of a cul-de-sac on Tor View. That said, the rear wall of the dwelling is faced in render. The property benefits from front and rear gardens, with a single storey detached garage and driveway to the front. The site is within a predominantly residential area. The site and surrounding land falls in a northly direction. The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

THE PROPOSAL

Non material amendment to reduce the scale of previous permission 2023/93404 (demolition of existing garage and workshop and erection of single and part two storey side extension) to a single storey development removing roof lights and reducing the height of the extension and footprint of the extension.

PLANNING HISTORY

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

88/04906 – Erection of 2 storey extension to form dining room lounge and 2 bedrooms – Granted Conditionally.

92/01975 – Erection of garden room – Conditional Full Permission.

2022/91076 – Demolition of existing garage and conservatory, erection of two storey side and single storey rear extensions and exterior alterations – Conditional Full Permission.

2023/93404 – Demolition of existing garage and workshop and erection of single and part two storey side extension – Conditional Full Permission.

CONSULTATIONS

None

ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th

February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within the Strategic Green Infrastructure Network, Holme Valley Neighbourhood Area and a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

Holme Valley Neighbourhood Development Plan 2020-2031

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The policies contained within Holme Valley Neighbourhood Development Plan relevant to the consideration of this application are as follows:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley.

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”.

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability.

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

It is important to note that the application site is within Landscape Character Area 7, the River Holme Wooded Valley.

Key landscape characteristic of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

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 December 2023, 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

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 changes are reducing the scale of the originally approved application, therefore, in relation to scale the proposed changes are inconsequential.

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

The proposed changes would not increase the footprint of the building further, therefore, it is considered that there would be no increased visual impact. Moreover, there would be no significant negative impact on living conditions, with the functions of the home still being to a high standard despite the smaller area.

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?

The interests of any third party or body who participated in or were informed of the original decision will not be disadvantaged in any way.

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

The proposed downscaling of the extensions to 8 Tor View would continue to comply with policies LP1, LP2, LP3, LP21, LP22, LP24, LP30, LP31, LP33, LP51, and LP53 of the Kirklees Local Plan, as well as Key Principles 1, 2, 4, 5, 6 and 7 of the House Extensions and Alterations Supplementary Planning Document.

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.

CONCLUSION

A non-material amendment to the previous planning approval 2023/93404.

DECISION NOTICE LETTER:

The amendments shown on drawing No's. 111_A, 110_A, and 112_A are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2023/93404.

