

**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/93523/E**

Site Address: 3, Woodhall Drive, Healey, Batley, WF17 7SW

Description: Non material amendment to previous permission 2024/92620 for demolition of existing garage and erection of two storey side extension with front porch and external alterations

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.

John Holmes

AUTHORISED OFFICER

Date: 09-Jan-2025

Application: 2024/93523

Site Address: 3, Woodhall Drive, Healey, Batley, WF17 7SW

Proposal: Non material amendment to previous permission 2024/92620 for demolition of existing garage and erection of two storey side extension with front porch and external alterations

Overview: The applicant seeks a non-material amendment to amend the location of the porch and the adjustment to the windows in the extension. 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 listed in italics as follows, with an assessment in respect of each test set out below:

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.

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 as the windows are largely in the same location. Visually the proposal would have an imperceptible impact from that as approved given it would be of the same size and scale and marginally altered siting.

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 significantly impact the residential amenity of neighbouring residents or change the overall impact of the scheme over and above that for which permission has been granted.

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 not contravene conditions attached to the original permission (albeit the plan submitted as part of this NMA application would essentially sit alongside the plans list and either the scheme within drawings S02 Rev H or S02 Rev G could be implemented).
- 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 have been likely to have been approved had it formed part of the original application

Conclusion

To conclude, the amendments shown on the submitted drawing SO2 REV:H to amend the location of the porch and alter the windows in the proposed extension are considered appropriate to be regarded as a non-material amendment to the previous approval 2024/92620.