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:	**2025/NM/90083/W**
Site Address:	Land at Station Road, Meltham, Holmfirth, HD9 4NL
Description:	Non material amendment to previous permission 2022/93033 for erection of 4 dwellings reducing bi folding door to kitchen / dining room from a 6 pane opening to a 4 pane opening and a separate fixed panel and Removal of the lower ground side door to the void.
Recommending Officer:	Joanna Rednall

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: 12-Feb-2025

Officer Report

Site Description

Land at, Station Road, Meltham, Holmfirth, HD9 4NL

The application site relates to a portion of grazing land situated on the northern side of Station Road, Meltham. The site slopes up steeply from Station Road however, excavation works have now been undertaken at the site reducing a large portion of this steeply sloped land.

Towards the south-west of the site are a small number of residential properties which are served by Station Road. To the southern boundary is an area of protected trees with Meltham Dyke on the opposite side of Station Road. To the north of the site is grazing land and to the east works are underway on previously approved residential development for 7 dwellinghouses. The application site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2022/93033 for erection of 4 dwellings.

The amendment relates specifically to reducing the rear bi folding door to kitchen / dining room from a 6 pane opening to a 4 pane opening and a separate fixed panel and removal of the lower ground side door to the void.

The approved drawings are:

- House Type B – Floor Plans & Elevations – 1381/P/102

The new drawings are:

- House Type B – Floor Plans & Elevations – 1487/C/101

Relevant Planning History

2021/94162 – Variation of condition 2 (plans) on previous permission no. 2015/92638 for erection of 2 pairs of semi-detached dwellings (4 no. new dwellings). Withdrawn 23rd November 2021.

2021/90336 – Variation condition 2 (plans) on previous permission 2015/92638 for erection of 2 pairs of semi-detached dwellings (4 dwellings). Approved 23rd April 2021.

2016/92857 – Discharge of conditions 3 (materials) 4 (highways) 7 (materials) 8 (soakaway) 9 (land contamination) 22 (arboricultural method statement) on previous permission no.

2015/92638 for erection of 2 pairs of semi-detached dwellings (4 no. new dwellings). Approved 28th October 2016.

2016/90103 – Discharge of conditions 3, 4, 9-13 and 20 on previous permission 2014/91714 for erection of 2 dwellings and widening, surfacing and lighting to Station Road. Approved 8th July 2016.

2015/92638 – Erection of 2 pairs of semi-detached dwellings (4 no. new dwellings). Approved 2nd March 2016.

2014/91714 – Erection of 2 dwellings and widening, surfacing and lighting to Station Road. Approved 11th November 2014.

Assessment

The application is for a Non-Material Amendment to reduce the rear bi folding door to kitchen / dining room from a 6 pane opening to a 4 pane opening and a separate fixed panel and Removal of the lower ground side door to the void.

The Council has adopted a protocol to deal with Non-Material Amendments. This states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**
   If so, the three further tests need to be applied as follows:
1. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
2. In the Authority's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
3. In the Authority's view would the amendment be contrary to any policy of the Council? **NO**

In considering the above, the following factors are relevant:

- The proposed changed to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision notice **- the description of development would be the same**
- The proposed change must not contravene any condition attached to the original permission **– no condition would be contravened**
- The proposed change should not require a further restriction to make it acceptable **– no further restrictions would be required**
- The proposed change would not result in any material increase in height, scale, width or depth of a building **– there would not be any material increase in height, scale, width or depth of the buildings.**

- The proposed change would have likely have been approved had it formed part of the original application **– the change would have likely to have been approved**

The decision whether a proposed change qualifies as a non material amendment rests with the Local Planning Authority and there is no right of appeal if an application is not accepted. In the absence of any definition of a non-material change, the following examples are intended to give guidance about changes unlikely to be accepted as 'non material'. It is not comprehensive and each non material amendment request must be considered on its merits having regard to all relevant circumstances:

- New or enlarged windows/openings/balconies resulting in loss of privacy or amenity to neighbours;
- Change adversely affecting the occupiers of a neighbouring property;
- Change that would affect a consultation response on the original application;
- An extension to the site boundary ('red edge') of application site;
- Changes to ground level which itself constitutes an 'engineering operation' or would result in potential loss of privacy or visual amenity;
- Works which are 'development' requiring planning permission in their own right;
- Any material increase in height, scale, width or depth of a building.
- Change to external materials which would adversely affect the character or appearance of the development or erode the quality of that which was originally approved.
- Change in house type.
- Change which alters the development significantly from what was described on the planning permission.
- An alteration which would conflict with conditions of the original planning permission.
- Any relevant objections to the original proposal would be compromised by the proposed amendment.
- The change would contravene adopted planning policy.
- The approved footprint / siting of the building would be moved in any direction by more than one metre.
- The change relates to development which has been the subject of enforcement action

To conclude, the amendments shown on the submitted drawing 1487/C/101 to amend the rear bi-folding doors from a 6 pane to 4 pane opening and a separate fixed panel and removal of the lower ground side door to the void are considered appropriate to be regarded as a non-material amendment to the previous approval 2022/93033.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.

Recommendation **Approve**

Decision Authorisation – Delegated Powers

Application Number: 2025/90083

Officer Recommendation: Approval

Report Dated: 11/02/2025