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/90234/W**
Site Address:	8, New Road, Netherthong, Holmfirth, HD9 3XT
Description:	Non material amendment to previous permission 2024/92942 for erection of single storey extension
Recommending Officer:	Joshua Merriman

DECISION – NMA 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.

Danielle Cooper

AUTHORISED OFFICER

Date: 04-Mar-2025

Application no: 2025/90234
ADDRESS: 8, New Road, Nethertong, Holmfirth, HD9 3XT.

THE SITE

8 New Road is a detached property located in an area of mostly detached properties of a similar character and age, with varying size and scale. The rear of the property, where the proposed extension will lie, is visible from the nearest road (New Road). The property benefits from a driveway and garage to the front, as well as a large amenity space to the rear.

THE PROPOSAL

Non material amendment to previous permission 2024/92942 for erection of single storey extension.

The application proposes to relocate the proposed south-east bi-fold doors and windows to the approved extension.

PLANNING HISTORY

The most relevant planning history relates to the following planning applications

- 2002/92236 – Outline application for erection of detached dwelling – Conditional Outline Permission.
- 2004/90575 – Erection of detached dwelling with integral garage – Conditional Full Permission.
- 2005/94640 – Erection of conservatory – Conditional Full Permission.
- 2009/92325 – Change of use from residential to children's day nursery – Withdrawn.
- 2024/92942 – Erection of single storey extension – Conditional Full Permission.

CONSULTATIONS

No consultations were deemed necessary.

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).

The application site falls in a Strategic Green Infrastructure Network area, as well as an area with a known presence of bats and swifts.

National
National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local
Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment

- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

Holme Valley Neighbourhood Development Plan:

- Policy 1: Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)
- House Extensions and Alterations SPD (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:

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

The change is inconsequential in terms of scale and the size, as the extension will remain the same as in the original approval, therefore, it is considered that the scale will continue to have no significant impacts and remain acceptable.

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

The amendment request alterations to the location of the South East facing bi-fold doors and windows within the approved single storey extension, The relocated bi-fold doors and windows within the same elevation are of the same size and scale as the previously approved and are located within a well-screened location that is approximately 15m from the neighbouring property to the South East. As a result, it is considered that there will be no detrimental impact either visually or in terms of living conditions resulting from this amendment.

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 interest of any third party or body who participated in or were informed of the original decision would not be disadvantaged in any way.

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

The proposed amendment to 8 New Road would continue to comply with policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, and LP51 of the Kirklees Local Plan, as well as policies from the Highway Design Guide SPD and House Extensions and Alterations SPD.

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 2024/92942.