

**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/90291/E**

Site Address: 12, Cawley Lane, Heckmondwike, WF16 0BJ

Description: Non material amendment to previous permission  
2024/93092 for erection of single storey front and two  
storey side and rear extensions

Recommending Officer: Jennifer Booth

**DECISION – NON MATERIAL AMENDMENT REFUSED**

**I hereby authorise the refusal 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: 29-Apr-2025**

## **Overview**

This application seeks a non-material amendment to application 2024/93092, which approved a single storey front extension, two storey side and rear extensions at 12 Cawley Lane.

The amendment seeks to alter the materials from the approved render to brick and the inclusion of more roof lights on the front elevation and inclusion of doors. The amendments are shown on the plan CLH/304B submitted 04/02/2025.

This 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? **Yes**

If so, three further tests need to be met:

1. Would the change result in a detrimental impact either visually or in terms of living conditions? **No**
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **No**
3. Would the amendment be contrary to any policy of the Council? **No**

## **Assessment**

The materials proposed would no longer be as per the existing approval with the alteration from render, as per the existing house to brick. The dwelling occupies a prominent position in the street and the alteration would be visually different on a large scale from the approved plans. The altered scheme should be assessed as a new planning application. The increase in the number of roof lights would have limited impact on the appearance as would the inclusion of doors to the front. Cumulatively they would alter the appearance.

Depending upon full assessment and appropriate publicity of the new application, the alterations may be acceptable.

## **Conclusion**

On the basis of the above, the proposed changes would not be acceptable under the non-material amendment procedure and, as such, the application is recommended for refusal.

**Report Dated**

25/04/2025
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