

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/90292/E**

Site Address: 4, The Village, Farnley Tyas, Huddersfield, HD4 6UD

Description: Non material amendment to previous permission
2022/91403 for erection of first floor extensions to side
and rear and alterations (within a Conservation Area)

Recommending Officer: Jennifer Booth

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: 30-Apr-2025

Overview

This application seeks a non-material amendment to application 2022/91403, which approved the erection of first floor extensions to the side and rear of 4 The Village.

The submitted plan details alterations in terms of the fenestration including, retaining the Juliet balcony on the front elevation, increasing the front door opening to include a side light, the existing curve of the side extension to be retained and taken up with the first floor side extension, a second opening on the south east elevation at first floor for the side extension, moving the first floor window on the rear extension 0.65m and omitting the large patio style opening on the north east elevation and retaining the existing doors. The details are shown on plan NMA.001 submitted 03/02/2025.

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 changes proposed would either retain elements of the property as they are either retaining existing elements such as the Juliet balcony on the front, retaining the existing curve of the side extension and retaining the existing patio doors on the north east elevation or limited alterations to the fenestrations such as increasing the width of the front door opening to allow a side light, including a secondary window on the south west side elevation or shifting the first floor window on the rear elevation. None of the changes would significantly alter the appearance of the dwelling or result in additional overlooking. The same conclusions are made in respect of the impact of the proposal in terms of whether the development would be oppressive / overbearing given the scale of the development would remain within the parameters of the approved development.

It is noted the proposal would see an additional opening inserted into the elevation serving a bedroom. As a window was approved in this elevation by virtue of the approved development it is considered the resultant impact in regard to overlooking would not be materially greater than that of the approved development. Therefore, in this case, the additional opening is considered to relate to a non material amendment to the approved scheme.

The amendments set out in the submitted drawing are considered to be within the scope of the description of development upon the decision notice (Erection of first floor extensions to side and rear and alterations (within a conservation area)). The proposed amendments would not contravene any condition of the permission and do not require further restriction to ensure the amendments are acceptable.

Conclusion

On the basis of the above, it is concluded that the proposed amendments would have met a recommendation for approval had they formed part of the original application and the proposed changes are acceptable under the non-material amendment procedure and as such are recommended for approval.

Report Dated

25/04/2025
