

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/91066/E**

Site Address: 104, Cumberworth Lane, Lower Cumberworth,
Huddersfield, HD8 8PG

Description: Non material amendment to previous permission
2024/93334 for erection of single storey front
extension, installation of new opening and associated
alterations

Recommending Officer: Faiza Bano

DECISION – APPROVE NON-MATERIAL AMENDMENT

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 21-Jul-2025

Application: 2025/91066

Site Address: 104, Cumberworth Lane, Lower Cumberworth, Huddersfield, HD8 8PG

Proposal: Non-material amendment to previous permission 2024/93334 for erection of single storey front extension, installation of new opening and associated alterations

Overview: The applicant requests a non-material amendment to increase the height of the high-level opening along the side elevation from 600mm to 1000mm. this amendment will allow more natural light to enter the main body of the existing dwelling.

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 see an increase in the height of the new window along the side elevation 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 window is in the same location and there are no neighbouring properties opposite the location of the proposed window. Visually, the proposal would have an imperceptible impact compared to the approved plan. The changes include increasing the height of the window by 400mm. This adjustment ensure that the extension remains consistent in size, scale, and appearance with the original approval, with only a 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 window finish

would be in keeping with the original dwelling. The fenestration would be located along the north elevation of the dwelling, and given its high level, the window does 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 '07a - Prop Elevs A3 1-100' to increase the height of the proposed window along the north elevation is considered appropriate to be regarded as a non-material amendment to the previous approval 2024/93334.