

**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/91178/E**

Site Address: 12, Oxford Close, Gomersal, Cleckheaton, BD19 4RU

Description: Non material amendment to previous permission
2021/90772 for erection of single and two storey rear
and single storey side 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.**

John Holmes

AUTHORISED OFFICER

Date: 04-Jun-2025

Overview

This application seeks a non-material amendment to application 2021/90772, which approved the erection of a single & two storey rear extension and single storey side extension at 12 Oxford Chase.

The amendment seeks to include a first floor extension over the side extension. The amendments are shown on the plans submitted 29/04/2025.

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? No

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? Yes, the alteration in size would alter the appearance of the dwelling which would need to be assessed.
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? Yes, there would be implications in terms of potential impact on neighbouring properties.
3. Would the amendment be contrary to any policy of the Council? This would need to be assessed as part of the planning application.

Assessment

For the reasons outlined above, the enlargement of the side extension from the originally approved scheme requires full assessment. The amendment which is proposed goes beyond the scope of that which could be considered to be a non material amendment and would need to be assessed as part of an application for planning permission.

The proposed amendments would increase the size and scale of the extension such that an assessment of the scheme in relation to visual impact / impact upon neighbouring occupiers is required to be undertaken. Such an assessment would need to be undertaken having regard to any representations following publicity of the development proposal.

Conclusion

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

Report Dated

02/06/2025
