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/91612/W**
Site Address:	9, Westridge Drive, Beaumont Park, Beaumont Park, Huddersfield, HD4 7AX
Description:	Non material amendment to amend the roof light design of previous permission 2024/91325 for demolition of detached garage and erection of attached garage
Recommending Officer:	John Holmes

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.

Emma Thompson

AUTHORISED OFFICER

Date: 07-Jul-2025

Application no: 2025/91612

9, Westridge Drive, Beaumont Park, Beaumont Park, Huddersfield, HD4 7AX

THE SITE

The surrounding area is comprised of mainly detached properties which are set within modest plots with the properties being characterised by construction materials of mainly rendered walls and rosemary tiled roofs.

THE PROPOSAL

Non material amendment to amend the roof light design of previous permission 2024/91325 for demolition of detached garage and erection of attached garage.

The application form sets out that the *'replacement of 2no square roof windows to one rectangular roof lantern'* is for *'aesthetics and reuse of a reclaimed lantern'.*

PLANNING HISTORY

The most relevant planning history relates to the following planning applications

2024/91325 – Demolition of detached garage and erection of attached garage – Approved 09 August 2024.

CONSULTATIONS

None

ALLOCATION AND POLICIES

The following were considered relevant in the consideration of the original application.

<u>National</u>

National Planning Policy Framework (NPPF)

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
- LP 51 – Protection and improvement of air quality

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

Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14, 15, 16 and 17 are listed as applicable in the case officer report.

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:

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

The proposal would see a small scale increase in the height of the roof light serving the development, although this is not considered to be to a significant degree. The roof light would be centered within a section of flat roof and would be 0.4m above (to the ridge) and constructed purely from glazing.

In the context of the development which has been consented it is considered this amendment would be inconsequential given it would be in place of two roof lights which were previously proposed to this part of the roof.

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

The proposal would not have a detrimental visual impact, and would create a small level of pitch to an area of flat roof. There would be no impact upon living conditions in terms of impacting upon privacy of neighbouring occupiers or being oppressive / overbearing given the scale and nature of the proposal being for a roof light.

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?

No third party representations were received in relation to the original consent. The scale and nature of the proposed amendment is not considered to introduce a further amendment to the scheme which would materially increase the impact it has upon neighbouring occupiers who were notified about the original application and it is therefore considered the proposal would not disadvantage a third party / body in any way.

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

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.

Whilst the proposal would add a feature to a flat roof, the description of development is for *'erection of attached garage'* and the amendment would fall within the confines of this description.

- The proposed change must not contravene any condition attached to the original permission.

The proposed amendment could be undertaken such that it would not contravene the planning conditions in place upon the decision notice.

- 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.)

No conditional approval of the amendment would be considered necessary.

- The proposed change would not result in any material increase in height, scale, width or depth of a building.

In the context of the development proposal, the increase in height to a small section of the roof with the clear glazed roof light is not considered to be a material increase.

- The proposed change would have been likely to have been approved had it formed part of the original application.

It is considered the amendment shown upon drawing NH2/02E would have likely been considered acceptable with regard to visual amenity and residential amenity considerations and would have been supported.

CONCLUSION

It is concluded that the proposed amendment shown upon drawing NH2/02E constitutes a non material amendment.