

**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/92375/E**

Site Address: 47, Turnshaws Avenue, Kirkburton, Huddersfield, HD8
0TJ

Description: Non material amendment to previous permission
2023/91049 for demolition of detached garage and
single storey lean-to extension and erection of one
detached dwelling with associated parking and
landscaping

Recommending Officer: Emma Thompson

DECISION - Refuse

**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.**

Danielle Cooper

AUTHORISED OFFICER

Date: 27-Oct-2025

Overview

The application is to seek a non-material amendment to application for previous permission 2023/91049 for demolition of detached garage and single storey lean-to extension and erection of one detached dwelling with associated parking and landscaping.

The amendment seeks to retain the existing lean to and amend the parking layout approved.

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?**

The amendment sought is to alter the approved parking layout to allow for the retention of the single storey lean to extension of the existing dwelling. The demolition of the lean to was included in the description of development and the parking layout approved and conditioned. Whilst the development remains the same there are concerns regarding the revised parking layout now proposed.

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?**

Yes.

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.

The proposed changes would fall outside of the description of development, which is "Demolition of detached garage and single storey lean-to extension and erection of one detached dwelling with associated parking and landscaping " as the lean-to would be retained with inadequate parking.

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

The parking layout would not be as approved and would appear to contravene Condition 6 of the original permission that requires the approved parking areas to be provided.

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).

The proposal requires amending to be acceptable as the depth is inadequate.

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

The proposal does not affect/would not result in any material increase in height, scale, width or depth of the building.

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

The proposed amendments would not have been approved as part of the original application. The amended parking is inadequate and would result in vehicles overhanging the footway to the detriment of highway safety.

Assessment

The amended parking layout is not acceptable and would not be in the interest of highway safety due to lack of space for vehicles to park. An informal discussion was also had with KC Highways who did not consider the amended parking layout to be acceptable from a highway safety perspective for this reason. In order to facilitate retention of the existing lean-to parking spaces could be provided adjacent to each other mirroring those proposed for the new dwelling. This could be regularised through the submission of a new application.

Conclusion

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