

**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/92636/E**

Site Address: 20, North Street, Heckmondwike, WF16 0AY

Description: Non material amendment to previous permission
2025/91863 for erection of front and rear 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: 20-Oct-2025

Overview

This application seeks a non-material amendment to application 2025/9183, which approved the erection of front and rear extensions at 20 North Street.

The amendment seeks to alter the proposal to include a lower ground floor at the rear. The amendments are shown on the plans submitted 24/09/2025.

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**.

Assessment

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 proposed amendments are not considered to be inconsequential.

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

The proposed amendments are considered to have the potential to be considered detrimental in terms of these considerations.

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?

Neighbouring occupiers would be required to be notified of the amendments to the scheme.

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

The proposal has the potential to be considered contrary to policy LP24 of the Kirklees Local Plan.

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

- 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 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.

Although the proposed alteration would not fall outside the description of the original approval, the formation of a lower ground floor would elongate and alter the appearance. The alteration would be visually different from the approved plans. The altered scheme would therefore need to be assessed as a new planning application.

The design would appear awkward relative to the dwelling with the additional vertical emphasis, in addition the proposal would introduce a greater level of massing and an increase in the height of elements of the approved scheme.

It is noted that the originally approved scheme features a single storey flat roof element which could have been undertaken as pd due to completion of a prior approval application. The proposed amendment would see an enlargement of this element, which would go beyond the scope of permitted development and there would not be a realistic 'fall back' present for this element of the scheme. As such it is considered that assessment against the Council's SPD in terms of whether there is any justification for non compliance of this element of the scheme would need to be undertaken and may not be successful in this case given the proposal would now see a two storey flat roof designed extension.

In addition the additional impact in terms of extra massing and whether this would unacceptably overshadow or lead to an unduly overbearing development would need to be considered. The proposal has the potential to significantly impact neighbouring occupiers in this case.

It is noted that the proposal would be to create a basement level of accommodation, it is not clear the extent of additional engineering operations required to enable such works however in light of the consideration the scheme would not constitute a non-material amendment in any event it has not been requested to set out further explanation in this regard.

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.