

**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/92956/E**

Site Address: 65-67, Huddersfield Road, Shelley, Huddersfield, HD8
8HG

Description: Non material amendment to previous permission
2023/93480 for erection of ground floor and first floor
extensions and alterations to convert two dwellings
into one dwelling

Recommending Officer: Laura Yeadon

DECISION – REFUSE NON MATERIAL AMENDMENT

**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.**

Emma Thompson

AUTHORISED OFFICER

Date: 18-Nov-2025

Officer Report

The Site

65-67 Huddersfield Road is a stone constructed dwelling with a distinctive countryside character due its location, being on the periphery of Shelley, whilst bordering the Green Belt. There is variety within the nearby building group because of the materials present, types of properties, heights, and sizes.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under reference number for 2023/93480 for the erection of ground floor and first floor extensions and alterations to convert two dwellings into one dwelling.

The amendment relates specifically to the alteration of the single storey entrance porch to the rear elevation in lieu of the approved entrance canopy.

Approved entrance canopy

The approved entrance canopy is located on the rear (east) elevation of the property and is a simple structure in the form of a pitched roof set upon posts with a projection of 1.2 metres from rear elevation with a width of 2.1 metres.

Proposed entrance porch

The proposed entrance porch would project 2.8 metres from the rear elevation of the building with a width of 2.4 meter. The eaves height would be 3 metres with an overall height of 3.8 metres to the ridge of the lean-to roof. Submitted drawing HRS/09 is annotated and states that the walls would be constructed from stone with feature detailing to match the existing with a stone slate roof that would also match the existing.

Relevant Planning History

2022/91283 Erection of first floor extension and alterations to convert two dwellings into one dwelling
Conditional Full Permission

2023/93480 Erection of ground and first floor extensions and alterations to convert two dwellings into one dwelling
Conditional Full Permission

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-material 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 scale (magnitude, degree etc) in relation to the original approval?

The proposal would result in an increase in the built form of development previously approved being increased in scale, magnitude and degree. The approved plans demonstrated a canopy to the rear elevation in the form of a pitched roof on posts with the amendment proposed resulting in a solid structure by way of a single storey lean-to extension to create a solid structure to accommodate a porch. Therefore, the change is considered to be consequential in relation to the original approval as the built form of development would have an altered visual appearance to that approved both in terms of size, scale and the construction of walls and an altered roof form.

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

It is not considered that the proposed amendment would result in a detriment impact to the visual appearance of the building. The proposed construction materials would match and the resultant accommodation would be non-habitable, therefore unlikely to create an unacceptable degree on harm either visually or in terms of living conditions.

In the Authority’s view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way?

There are openings proposed within the side elevation of the porch which would face neighbouring properties and therefore, a third party could be affected or be disadvantaged by the proposal. Notwithstanding this, the resultant accommodation would be non-habitable and therefore not considered to cause significant undue harm as a result of the additional openings.

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

The proposed amendment would not be contrary to a condition imposed on the previous planning permission.

In considering the above, the following factors are relevant:

- The proposed change to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision notice

Comment- the description of development would not fall outside of the description of development as set out on decision notice 2023/93480.

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

Comment – the proposed change would not contravene any condition attached to the 2023/923480 permission.

- The proposed change should not require a further restriction to make it acceptable

Comment – the proposed change should 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

Comment – the proposed change would result in change to the approved built form of development. The approved canopy which is set upon posts would be replaced by a solid structure in the form of a single storey lean-to extension to accommodate a porch. As such, the proposed amendment cannot be considered as a non-material amendment.

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

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

The decision whether a proposed change qualifies as a non-material amendment rests with the Local Planning Authority and there is no right of appeal if an application is not accepted.

Conclusion:

The proposed amendment is not considered to constitute a non-material amendment to the previous planning approval under reference 2023/93480.

Recommendation

REFUSE

Decision Authorisation – Delegated Powers

Application Number: 2025/92956

Officer Recommendation: REFUSE

Reason:

The amendment sought to replace the rear extension canopy with a single storey extension to form a porch as shown on drawing number HRS/09 is not considered appropriate to be regarded as a non-material amendment to the previous planning approval 2023/93480. The applicant is therefore advised to submit an application to vary Condition 2 (approved plans) under a Section 73 (variation of conditions) application for the proposed amendment.

Report Dated: 31st October 2025