

# **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/93191/W**

Site Address: 15, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS

Description: Non material amendment to previous permission 2024/92035 for demolition of existing conservatory, rear lean to and chimney and erection of single storey rear extension and raised patio

Recommending Officer: Joanna Rednall

#### **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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 23-Dec-2025**

## **Officer Report**

### **Site Description**

15, Lincroft Avenue is a semi-detached bungalow in which occupies a corner plot. The building is finished in brick and render with concrete tiles to the roof. The property appears to benefit from a garden to the front which wraps around the side of the dwelling to the rear. It also has a detached garage to the rear and a conservatory to the rear of the property.

The site is located within a wider residential area whereby properties vary in terms of design and size. To the east of the site are similar semi-detached bungalows, with two-storey terraces to the south and north-west.

### **Description of Proposal**

The application is seeking a non material amendment to previous permission 2024/92035 for demolition of existing conservatory, rear lean to and chimney and erection of single storey rear extension and raised patio

The amendment is shown on drawing nos.

Proposed Ground Floor Plan 2024 / 461 / 04

Proposed Site Plan 2024 / 461 / 06

The proposed amendment seeks to enlarge the size of the rooflights.

### **Relevant Planning History**

**2024/92035:** Demolition of existing conservatory, rear lean to and chimney and erection of single storey rear extension and raised patio

### **Assessment**

The application is for a Non-Material Amendment to enlarge the size of three rooflights.

The Council has adopted a protocol to deal with Non-Material Amendments. This states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**  
If so, the three further tests need to be applied as follows:
  1. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions? **NO**
  2. 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? **NO**

3. In the Authority's view would the amendment be contrary to any policy of the Council? **NO**

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 - **the description of development would be the same**
- The proposed change must not contravene any condition attached to the original permission – **no condition would be contravened**
- The proposed change should not require a further restriction to make it acceptable – **no further restrictions would be required**
- The proposed change would not result in any material increase in height, scale, width or depth of a building - **there would not be any material increase in height, scale, width or depth of the building.**
- The proposed change would have likely have been approved had it formed part of the original application – **the change would have likely to have been approved**

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. In the absence of any definition of a non-material change, the following examples are intended to give guidance about changes unlikely to be accepted as 'non material'. It is not comprehensive and each non material amendment request must be considered on its merits having regard to all relevant circumstances:

- New or enlarged windows/openings/balconies resulting in loss of privacy or amenity to neighbours;
- Change adversely affecting the occupiers of a neighbouring property;
- Change that would affect a consultation response on the original application;
- An extension to the site boundary ('red edge') of application site;
- Changes to ground level which itself constitutes an 'engineering operation' or would result in potential loss of privacy or visual amenity;
- Works which are 'development' requiring planning permission in their own right;
- Any material increase in height, scale, width or depth of a building.
- Change to external materials which would adversely affect the character or appearance of the development or erode the quality of that which was originally approved.
- Change in house type.
- Change which alters the development significantly from what was described on the planning permission.
- An alteration which would conflict with conditions of the original planning permission.
- Any relevant objections to the original proposal would be compromised by the proposed amendment.

- The change would contravene adopted planning policy.
- The approved footprint / siting of the building would be moved in any direction by more than one metre.
- The change relates to development which has been the subject of enforcement action

The proposed alteration would involve a modest enlargement of the three rooflights above the lean-to extension. The changes to these openings would not result in reduced separation distances between properties or result in any greater overlooking / overbearing than the permitted scheme. The visual impact of the proposal would be modest and would not cause any significant effect on the street scene or the appearance of the host property. Taking this into account, the refinement and changes to the originally approved scheme are considered acceptable as 'non-material' amendments in this case.

As such, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.

**Recommendation** **Approve**

**Decision Authorisation – Delegated Powers**

**Application Number: 2025/93191**

**Officer Recommendation:** Approve

**Reason:**

The application is seeking a non-material amendment to previous permission 2024/92035 for demolition of existing conservatory, rear lean to and chimney and erection of single storey rear extension and raised patio. The amendment is shown on drawing no's. 'Proposed Ground Floor Plan 2024 / 461 / 04' and 'Proposed Site Plan 2024 / 461 / 06'.

**Report Dated:** 22/12/2025

