

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: **2026/NM/90191/E**

Site Address: 6, Kingsley Avenue, Birkenshaw, BD11 2NQ

Description: Non material amendment to previous permission 2025/90973 for demolition of existing conservatory and erection of two storey side extension, single storey rear extension and external alterations

Recommending Officer: Laura Yeadon

DECISION – Non-Material Amendment - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 18-Feb-2026

Officer Report

Site Description

6 Kingsley Avenue is a detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick with a concrete tiled roof. Amenity space to the property is to the front and rear with a single garage attached to the side.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 2025/90973 for the demolition of the existing conservatory and the erection of a two storey side extension, single storey rear extension and external alterations

The amendments relate specifically to:

- Change the garage door to a window within the front elevation
- Additional single door to side elevation
- Additional window to side elevation
- Alterations to finishing materials to front elevation

Officer note:

It is important to note that the submitted details indicate that the drawing numbers correspond to the originally approved plans under Revision A. However, the plans are not annotated as Revision A. Notwithstanding this, the plans are clearly annotated with the proposed changes and therefore shall be referred to as the plans received on 22nd January 2026.

Relevant Planning History

2025/90973 – Demolition of existing conservatory and erection of two storey side extension, single storey rear extension and external alterations – Conditional Full Permission

Assessment

The application is for a Non-Material Amendment for the change of garage door to window to the front elevation, additional single door to side elevation, additional window to side elevation and the alterations to the finishing materials to the front elevation.

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 test for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

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

The proposed works involve additional and alterations to the approved fenestration details and also amendments to the finishing materials to the front elevation. As a consequence, there would be no increase in footprint to the dwelling. Therefore, the proposed changes would be inconsequential in relation to the originally approved scheme. Whilst the visual appearance of the front elevation would change from the approved appearance, the material palette would remain as approved in terms of the stonework and the use of white render.

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 amendments would result in a detrimental impact to the visual appearance of the building. The previous approval was considered to be acceptable in terms of visual amenity, and the proposed minor alterations would not significantly deviate from the approved plans.

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?

The proposed alteration to the garage door to a window would not reduce the established separation distance between the dwelling and the facing property. The introduction of the window to the side elevation would be a fixed opening and obscurely glazed. The door opening to the other side elevation is not considered to cause a significant degree of harm to neighbouring dwellings and the alterations to the finishing materials would remain in keeping with the approved scheme.

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 development as set out in the decision notice

Comment: *The description of development would be the same.*

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

Comment: *The proposed changes would not contravene any condition attached to the 2025/90973 permission.*

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

Comment: *The proposed changes would 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 not result in 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

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

Conclusion

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: 2026/90191

Officer Recommendation: Approve

Reason:

The amendment sought to change the garage door to a window to the front elevation, additional single door to side elevation, additional window to side elevation and the alterations to the finishing materials to the front elevation as shown on drawing numbers 24-119-06, 24-119-13, 24-119-14 and 24-119-16 received by the Local Planning Authority on 22nd January 2026 are considered acceptable as a non-material amendment to the approved scheme under planning reference 2025/90973.

Report Dated: 16th February 2026

