

**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/90780/W**

Site Address: 7, Woburn Drive, Waterloo, Huddersfield, HD5 0AQ

Description: Non material amendment to previous permission
2025/93073 for erection of first floor side extension,
hip to gable, dormer and associated works

Recommending Officer: Joshua Merriman

DECISION - 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.**

Emma Thompson

AUTHORISED OFFICER

Date: 15-Apr-2026

Application no: 2026/90780

ADDRESS: 7, Woburn Drive, Waterloo, Huddersfield, HD5 0AQ.

THE SITE

The application site refers to 7, Woburn Drive, Waterloo, Huddersfield, HD5 0AQ, a two-storey semi-detached property faced in brickwork and render, with a pitched grey concrete tiled roof, and uPVC windows and doors. The application property lies in a relatively uniform street scene with regard to residential property, being surrounded by properties of a similar size, scale, character, appearance, and age. It is noted that the dwelling neighbours the Waterloo Health Centre which is property of a differing use. Furthermore, the application property benefits from a hard-standing parking area to the front, with further garden space to the rear.

THE PROPOSAL

Non material amendment to previous permission 2025/93073 for erection of first floor side extension and associated works.

The proposed amendment is described as setting forward the first floor front elevation to make it flush with the ground floor. There is also a hip to gable alteration and rear dormer shown on the plans and as such is assessed as part of this application.

PLANNING HISTORY

The most relevant planning history relates to the following planning applications

2020/90196 – Erection of single storey side and rear extension – Conditional Full Permission.

2025/93073 – Erection of first floor side extension and associated works – Conditional Full Permission.

CONSULTATIONS

None

ALLOCATION AND POLICIES

The site is unallocated and in a bat alert layer within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter2 Achieving sustainable development
Chapter12 Achieving well-designed places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Insofar as the amendments relate to matters which affect the consideration of the above policies, these are discussed within the 'Assessment' section of this report.

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-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?

In relation to the original approval, the approved first floor side extension was approved due to its compliance with the Councils House Extensions and Alterations SPD. The proposed amendment would result in the extension being contrary to the House Extensions and Alterations SPD for first floor side extensions. Furthermore, this addition would not allow a visual break from the original dwelling thereby not appearing subservient to the host, causing the property to appear unusually enlarged and unsympathetic in the context of the street scene.

The inclusion of the hipped to gable and dormer extension cannot be considered as inconsequential to the original approval.

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

As aforementioned, the proposed amendments would result in extensions that would not appear subservient and therefore unsympathetic in the context of the street scene.

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?

Due to the inclusion of the rear dormer, the interest of a third party or body who participated in or were informed of the original decision would be disadvantaged.

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

The proposed amendments to the approved application at 7 Woburn Drive would cause the development to no longer comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Chapters 2 and 12 of the National Planning Policy Framework, and policies within the Councils House Extensions and Alterations SPD.

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.

DECISION NOTICE LETTER:

The amendments shown on drawing No. '2025-011-(20)002 Rev_A' are not considered appropriate to be regarded as a non-material amendment to the previous planning approval 2025/93073.