

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/90956/W**

Site Address: 16, Harvey Royd, Almondbury, Huddersfield, HD5 8SP

Description: Non material amendment to previous permission 2025/93149 for variation of condition 2 (plans) on previous permission 2024/92589 for erection of single and two storey side and rear extensions, with erection of dormers

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.

John Holmes

AUTHORISED OFFICER

Date: 29-Apr-2026

Officer Report

Site Description

16 Harvey Royd is a two-storey semi-detached property which has finishing materials of render for the walls and tiles for the roof which is located on land without notation within the Kirklees Local Plan. The property has amenity space to the front, side and rear with an outbuilding to the side of the property which is shared with No. 18. The property does not benefit from off-street parking.

The site is located within a residential area where neighbouring properties share a similar design and form.

Description of Proposal

The application is seeking a Non-Material Amendment to an application previously approved under application number 205/93149 for the variation of condition 2 (plans) on previous permission 2024/92589 for erection of single and two storey side and rear extensions, with erection of dormers.

The amendments relate specifically to:

- Change the central first floor window in the rear elevation of the property to a door with fixed glazed balcony (Juliet balcony)

Relevant Planning History

2020/93082 – Erection of single and two storey side and rear extensions – Refused

2021/91160 – Erection of single and two storey side and rear extensions – Conditional Full Permission

2024/92589 – Erection of single and two storey side and rear extensions, with erection of dormers – Conditional Full Permission

2025/93149 – Variation of condition 2 (plans) on previous permission 2024/92589 for erection of single and two storey side and rear extensions, with erection of dormers – Approved

Assessment

The application is for a Non-Material to Change the central first floor window in the rear elevation of the property to a door with fixed glazed balcony (Juliet balcony).

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 the change of the approved central window within the first floor rear elevation of the property to a Juliet balcony. As a consequence there would be no increase in footprint to the dwelling. Therefore, the proposed change would be inconsequential in relation to the originally approved plans.

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 alteration 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 change the window to a Juliet balcony would not reduce the established building lines between the dwelling and surrounding properties. The presence of a window in this location was assessed as part of the previous applications and was not considered detrimental to residential amenity. The alteration from the window to a Juliet balcony is not considered to cause any additional harm over and above the approved opening.

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 2024/92589 or 2025/93149 permissions.*

- 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 likely have been approved had it formed part of the original application

Comment: *The proposed change would 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: 2026/90956

Officer Recommendation: Approve

Reason:

The amendment sought to change the central opening within first floor rear elevation of the property from a window to a door with fixed glazing (Juliet balcony) as shown on drawing number 2DIO-GA01 received by the Local Planning Authority on 7th April 2026 is considered acceptable as a non-material amendment to the approved scheme under planning reference numbers 2024/92589 and 2025/93149.

Report Dated: 27th April 2026

