

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/91239/E**

Site Address: 12, Easby Avenue, Healey, Batley, WF17 7EW

Description: Non material amendment to previous permission
2025/91000 for erection of single storey front
extension with single and two storey side extension

Recommending Officer: Faiza Bano

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: 24-Aug-2026

Application Reference: 2026/91239

ADDRESS 12, Easby Avenue, Healey, Batley, WF17 7EW

The Site

12 Easby Avenue is a brick built, semi-detached dwelling located on the corner of Easby Avenue and Abbey Road with a garden to the front and side and small yard area to the rear.

The property is located on a residential street with properties of a similar age although there are variances in terms of style.

The Proposal**Non-Material Amendment Sought:**

Relocation and reduction in size of the approved ground floor kitchen window on the side elevation of the two-storey side extension. The proposed window will remain on the side elevation but will be repositioned further along the wall to accommodate the revised internal kitchen layout.

Reason for Amendment:

The internal layout of the kitchen has been amended, necessitating the relocation and reduction in size of the approved window to better align with the revised arrangement of the space.

Officer Note: It is noted that upon the submitted drawing (ref: S02revO) a flat roofed outbuilding and flat roofed single storey rear extension are shown on the plans. No consideration is being given to these as part of this non material amendment and the amendments being considered relate solely to those detailed in the application form in relation to the development which has been so approved (single storey front extension with single and two storey side extension).

Planning History

The most relevant planning history relates to the following planning applications:

2025/91000: Erection of single storey front extension with single and two storey side extension - Conditional Full Permission

Consultations

None

Allocation And Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 22 – Parking
- LP 24 - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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.

- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Accordingly, the application has been assessed having regard to the above development plan policies and material considerations relevant to the determination of this application and have informed the assessment of the proposed amendments.

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:

1. Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?
2. In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?
3. 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?
4. 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 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.

The proposed amendment relates to the relocation and reduction in size of an approved ground floor kitchen window within the side elevation of the approved two-storey side extension. The window would remain within the same elevation and is proposed solely to accommodate amendments to the internal kitchen layout. The change is minor in nature and inconsequential in scale when considered against the development as originally approved. The amendment would not result in any alteration to the footprint, scale, height, width, depth or overall form of the approved extension.

The relocation of the window within the side elevation and its reduced size would not give rise to any detrimental visual impact or harm to the living conditions of neighbouring occupiers. The interests of third parties would not be disadvantaged by the proposed change, and the amendment would not conflict with any relevant planning policies or conditions attached to the original permission.

The amendment would not alter the description of development contained within the decision notice, would not require any additional restrictions to make it acceptable, and is considered likely to have been approved had it formed part of the original application. Accordingly, having regard to Section 96A of the Town and Country Planning Act 1990 and the Council's Protocol for Non-Material Amendments, the proposed changes are considered to be non-material in nature.

Conclusion

The proposal constitutes a non-material amendment to the previous planning approval 2025/91000.

Decision Notice Letter:

Insofar as they relate to the relocation and alteration to the size of the ground floor kitchen window on the side elevation of the approved two storey side extension and on the basis of the window to remain on side elevation but re sited to accommodate the internal kitchen layout, the amendments shown on drawing S02O are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2025/91000.

Officer Note: It is noted that upon the submitted drawing (ref: S02revO) a flat roofed outbuilding and flat roofed single storey rear extension are shown on the plans. No consideration is being given to these as part of this non material amendment and the amendments being considered relate solely to those detailed in the application form in relation to the development which has been so approved (single storey front extension with single and two storey side extension).

