

Search application details

Application number: 2026/92032	
What is the application for?:	Non material amendment to previous permission 2024/92647 for erection of detache
Address of the site or building:	Land at, Occupation Lane, Off Birkby Road, Huddersfield, HD2 2ES
Postcode:	HD3 4EY

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	Yes
I wish to formally object to the approval of Application 2026/92032 as a Non-Material Amendment (NMA) under Section 96 and any current development on the site must cease with immediate effect. The application must be refused under Section 96A and should be considered only under a Section 73 variation or a fresh planning application involving statutory neighbor consultation. 1. PROCEDURAL INAPPROPRIATENESS AND BREACH OF S96A PROTOCOL Under the Kirklees Council ‘Protocol for Non-Material Amendments Following the Grant of Planning Permission,’ an amendment is disqualified from the Section 96A route if ‘the approved footprint/siting of the building would be moved in any direction by more than one metre.’ Drawing 24.002/(AL)101 Rev A explicitly acknowledges that the setting out has been ‘adjusted to suit new legal boundary information.’ The applicant has failed to provide a dimensioned overlay to quantify this shift. Given the site’s restricted topography, any movement exceeding the one-metre threshold mandates the refusal of the NMA. The Council has a statutory duty to verify these dimensions before proceeding, as established in precedents such as the refusal of NMA 2024/91903, where amendments were rejected due to their material impact on adjoining occupants. Under Kirklees Council precedents (such as the refusal of NMA 2024/91903), Kirklees has consistently refused NMA applications where 'the proposed amendments raise concerns regarding the potential impact on adjoining occupants due to change in design, space and scope when compared to original approved plans. 2. MATERIAL ALTERATIONS TO SITE LAYOUT AND VOLUMETRIC EXPANSION The proposed modifications to the outbuilding represent a significant escalation in scale. The original approval (drawing 24.002/(AL)03 Rev A) specified a garage of 42.25sqm (6.5m x 6.5m). The current proposal (Rev C) increases the footprint to 55.25sqm (6.5m x 8.5m). This 31% increase in size is a material change in visual massing that intensifies the built form on a constrained backland plot, adversely affecting the spatial character and parking arrangements originally approved	

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Again as per my previous point, such a substantial expansion of an accessory building on a heavily constrained, narrow backland plot cannot legally or logically be classified as 'non-material'. It changes the visual massing on the shared boundary, reduces the surrounding garden area, and alters the parking and turning arrangements at the northern terminus of the site.

3. IMPACT ON RESIDENTIAL AMENITY AND PRIVACY

The repositioned layout introduces a primary bedroom window with direct, unscreened views into the neighboring property. This creates a detrimental visual impact and a permanent loss of privacy. Such revisions to the relationship between buildings are material in nature and disqualify the application from the NMA process, as they affect the living conditions of existing residents.

4. ECOLOGICAL DEGRADATION AND POLICY LP30 COMPLIANCE

Furthermore, I want to document that myself and other neighbours have observed an active population of bats foraging and commuting across the site which is situated in a Bat Alert Area. This significant ecological activity was entirely unrecorded in the applicant's initial submission and has been directly disrupted by unauthorized vegetation clearance.

Under an earlier refused application 2020/94292, the Tree Officer formally noted that mature protected trees had been felled prior to the application in what appeared to be 'an attempt to avoid the constraints these trees may have presented'. Myself and other residents objected to this 'unauthorised tree felling' at the time to no avail.

By further altering the bungalow's footprint and expanding the garage footprint by 31% the applicant is causing direct, severe encroachment into the active foraging corridor of a protected species. The current mitigation strategy—a single bat box—is demonstrably insufficient to compensate for the loss of foraging habitat resulting from the increased footprint.

A comprehensive site inspection and a formal Biodiversity Net Loss assessment should be mandated to evaluate the material impact of these revisions on protected species and ensure that Kirklees Local Plan Policy LP30 is adhered to.

5. UNAUTHORIZED DRAINAGE AND BOUNDARY DISPUTES

The accuracy of drawing 24.002/(EX)01 is formally contested. The red-line boundary inaccurately encloses private land and access tracks. Given the applicant's own disclaimer regarding the use of "third party information" and the instruction "not to scale," this document is an unreliable basis for determining the legality of the building's repositioning.

CONCLUSION AND CALL TO ACTION

In view of the material nature of the physical layout changes, the significant garage enlargement, and the ecological risks identified, the Section 96A application must be refused.

I also formally request that the Council takes the following steps:

1. Multi-Disciplinary Site Inspection: An immediate joint visit by Planning Enforcement and Building Control to assess unauthorized drainage works and boundary excavations.
2. Verification of Siting: Provision of a dimensioned overlay to confirm compliance with the Council's one-metre protocol.
3. Ecological Consultation: Formal referral to the Biodiversity Officer to evaluate impacts on the Bat Alert Area and foraging corridors.
4. Validation of Ownership: Verification of the red-line boundary against Land Registry records to ensure statutory notification requirements have been met.

Thank you for your time taken to review my feedback, if you can ensure that any personally identifiable information is removed prior to publishing that would be appreciated.

Regards,