

# **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/92212/W**

Site Address: 477, New Hey Road, Salendine Nook, Huddersfield,  
HD3 3XG

Description: Non material amendment to previous permission  
2022/93868 for erection of single storey rear  
extension, rear dormer, formation of raised deck area,  
external alterations and dropped crossing

Recommending Officer: Joshua Merriman

#### **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: 07-Sep-2026**

**Application no: 2026/92212**

ADDRESS: 477, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG.

**THE SITE**

477 New Hey Road, Salendine Nook, is a brick semi-detached bungalow with a concrete tiled roof. The property currently shows the internal layout with 2 bedrooms and provides off- street parking for 2 cars with no parking restrictions along the front of the property. The property benefits from a covered seating area and raised decking area to the rear.

**THE PROPOSAL**

Non material amendment to previous permission 2022/93868 for erection of single storey rear extension, rear dormer, formation of raised deck area, external alterations and dropped crossing.

The proposed amendments to the previous permission include:

- Converting the existing pitched roof on the rear extension to a flat roof and installing a roof light.
- Replacing the two bi-fold doors in the rear elevation with a single 6-meter bi-fold door.

**PLANNING HISTORY**

The most relevant planning history relates to the following planning applications

2022/93868 - Erection of single storey rear extension, rear dormer, formation of raised deck area, external alterations and dropped crossing – Conditional Full Permission.

2025/92766 - Change existing red brick to render – Conditional Full Permission.

**CONSULTATIONS**

No consultations considered necessary.

**ALLOCATION AND POLICIES**

The site is unallocated in the Kirklees Local Plan (adopted 2019).

*Kirklees Local Plan*

LP1 Achieving Sustainable Development

LP2 Place Shaping

LP21 Highway and Access

LP22 Parking

LP24 Design

LP51 Protection and Improvement of Local Air Quality

### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, 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 4 Achieving sustainable development

Chapter 5 Meeting the challenge of climate change

Chapter 14 Achieving well-designed places

Chapter 19 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?

The change is inconsequential in terms of scale and the size, as the extension will remain similar to the original approval and is located to the rear of the dwelling thus not significantly visible from the street scene, therefore, it is considered that the scale will continue to have no significant impacts and remain acceptable.

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

Changes proposed to the roof of the rear extension and the inclusion of an extra sliding door panel to the rear elevation are not considered to be significantly visually different to the existing permission and would therefore not detrimentally impact the property visually. Furthermore, the proposed openings, including the rear sliding door panel and rooflights, will be located no closer to neighbouring properties than existing openings and the scale of the flat roof is lesser than the pitched roof, therefore, there will be no significant impact upon living conditions.

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?

The interest of any third party or body who participated in or were informed of the original decision would not be disadvantaged in any way.

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

The proposed amendment to 8 New Road would continue to comply with policies LP1, LP2, LP21, LP22, LP24, and LP51 of the Kirklees Local Plan, as well as policies from the Highway Design Guide SPD and 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.

## **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: 2026/92212**

**Officer Recommendation: Approve**

Reason:

The amendments sought for converting the existing pitched roof on the rear extension to a flat roof and installing a roof light and replacing the two bi-fold doors in the rear elevation with a single 6-meter bi-fold door as shown on drawings number 106, 105 and 104 are considered acceptable as a non material amendment to the approved scheme under planning reference number 2022/93868.

Report Dated: 27/08/2026