

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2024/70/90829/W
Site Address:	30, Wadsworth Fold, Lindley, Huddersfield, HD3 3NB
Description:	Variation of condition 2 (plans) on previous permission 2023/91419 for raising of roof and insertion of dormers to form 2nd floor bedroom
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

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: 14-May-2024

Officer Report

[Weblink](#)

Site Description

30 Wadsworth Fold is a two storey, modern, detached residential property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a tiled roof. Amenity areas are located to the front and rear of the property with a driveway located to the front of the property. A single storey extension is located on the rear elevation of the property. Beyond the rear boundary of the site are detached properties and blocks of flats.

Description of Proposal

The application is for the variation of condition 2 (plans) on previous permission 2023/91419 for raising of roof and insertion of dormers to form 2nd floor bedroom.

Condition 2 of the 223/91419 application relates to the plans and details which were approved. It reads as follows:

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

The application seeks permission under a Section 73 application to vary the approved plans. The proposal seeks to raise the eaves of the proposal by 150mm to accommodate the internal roof heights. As a consequence, the overall height of the building would be increased by 150mm over and above that previously approved.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

1998/92536 Erection of 315 dwellings and garages
Refused

- 2011/91519 Residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, earthworks, provision of public open space and landscaping at Lindley View
Section 106 Full Permission
- 2012/91814 Discharge of Condition 2,4,5,6,8,15,25,26,28,31 & 32 from previous application 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, earthworks, provision of public open space and landscaping at Lindley View
Approved
- 2012/92000 Discharge of Condition 23 & 37 from previous application no. 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, Footpaths, Drainage, Earthworks, Provision of public open space and landscaping at Lindley View
Approved
- 2012/92001 Discharge of Conditions no. 9,10,11,18,19,21,22,24,27,30,34 & 35 from previous application 2011/91519 for residential Development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes road and Weatherhill Road, Footpaths, Drainage, Earthworks, Provision of public open space and landscaping at Lindley View
Approved
- 2012/92658 Non Material Amendment to permission no. 2011/62/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, earthworks, provision of public open space and landscaping at Lindley View
Approved
- 2013/90170 Discharge conditions 36 and 37 on previous permission 2011/91519 for residential development (294 units) and associated works
Approved
- 2013/91561 Variation of condition 3 (approved plans) on previous permission 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, earthworks, provision of

public open space and landscaping at Lindley View (Removal of proposed footpath adj. plot 12)
Approved

2013/92091 Non material amendment on previous planning permission no. 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, earthworks, provision of public open space and landscaping at Lindley View
Approved

2013/92667 Non material amendment to previous permission 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, earthworks, provision of public open space and landscaping at Lindley View
Approved

2023/91519 Raising of roof and insertion of dormers to form 2nd floor bedroom
Approved

2022/93549 Non material amendment to previous permission 20232/91419 for raising of roof and insertion of dormers to form 2nd floor bedroom
Refused

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 1st May 2024 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

Policy

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Legislation

- Town and Country Planning Act 1990 (as amended)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Review of planning conditions
- 7) Conclusion

1 – Principle of development:

The principle of extending the property has been previously established though the approval of planning application 2023/91419.

This application seeks to raise the eaves height of the dwelling by 150mm and this could be acceptable subject to the impact upon the amenities of the locality, highway safety as well as other matters, which will all be discussed below.

2 – Impact on visual amenity

The NPPF offers guidance within Chapter 12 (Achieving well-design and beautiful spaces) whereby Paragraph 131 provides a principal consideration concerning design which states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Kirklees Local Plan policies LP1 and LP2 and more significantly LP24 also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area and therefore retaining a sense of identity.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

This application seeks to raise the eaves of the property by 150mm which, as a consequence would increase the overall height of the property over and above the increased height as already approved.

Given the scope of the changes and the minimal height increase to the eaves of the property as a result of the proposed works, it is not considered that the increase in eaves height would result in a development that would be visually intrusive within the street scene whereby the properties are mainly detached and a similar design. The overall roof heights are staggered and the consideration of raising the ridge of the roof has already been assessed and considered acceptable as part of the previous application.

There are no other proposed changes to the permission as already approved and provided that the increase to the eaves height is completed with matching

walling materials, it is not considered that the visual amenity of the street scene of the character of the host building would be compromised.

The extra course of brick / stonework is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”.

Furthermore, paragraph 135 of the NPPF requires that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposal does not seek to materially alter the footprint of the dwelling with the main part of the works to increase the overall height of the ridge of the roof and the construction of dormer extensions and roof lights already approved.

The proposal to alter the approved plans would increase the eaves of the dwelling by 150mm to accommodate internal roof heights.

Due to the minimal, limited increase in the height of the eaves, it is not considered that the works would cause significant harm over and above the harm identified as part of the previous approval. Whilst the walls would be raised, it is not considered that this would cause undue harm from overlooking, overshadowing or by being overbearing.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design

Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the works to create the additional bedroom space and the impact this would have on the parking provision and highway safety has already been assessed. The works to increase the eaves of the property would not increase the level of accommodation within the property and therefore there would be no requirement to increase the parking provision for the property as part of this application.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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.

As the proposal is to vary the existing plans, no further information is required as the impact on climate change has already been assessed.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

7 – Review of planning conditions

The previous application included conditions. These are assessed below:

1. Time limit – this shall be reimposed taking into account the date of the issuing of the previous permission
1. Approved plans – the plans table shall be altered to reflect the plans approved under this application
2. Roofing material – this condition shall be reimposed as worded
3. Dormer material – this condition shall be reimposed as worded

It is also considered reasonable and necessary to add a condition to ensure that the additional course of stonework matches the existing, in the interests of visual amenity.

8 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/90829

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun prior to 18th July 2026.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

3. The roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The walling material of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

5. The hereby approved dormer windows shall be either vertically slate hung with slates that in all respects match those used on the existing roof or be clad in dark grey cladding. The materials of construction shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type – Application 2023/91419	Reference	Version	Date Received
Location plan	100047474		15 th May 2023
Existing elevations and floor plans	2262-01		15 th May 2023
Climate Change Statement	Appendix A		23 rd May 2023
Plan Type – Application 2024/90829	Reference	Version	Date Received
Proposed elevations and floor plans	2262-02A		20 th March 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not undertake any negotiations with the applicant due to the application being considered acceptable in its submitted format.

Report Dated:

13th May 2024

Coal – low