

**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:	2024/70/93263/W
Site Address:	33, Haughs Road, Quarmby, Huddersfield, HD3 4YX
Description:	Variation condition 3 (materials) on previous permission 2024/91994 for erection of rear dormer and alterations to change hip roof into gable roof
Recommending Officer:	Joanna Rednall

DECISION – Variation of Condition 3 - 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: 10-Jan-2025

Officer Report

Site Description

33, Haughs Road is a semi-detached property located in Quarmby, Huddersfield. The dwelling is faced in brick and white render with a hipped roof above infilled with tiles. To the front of the property is a small lawned garden and driveway, and the main amenity space appears to be to the rear where the property benefits from a large lawned garden. To the rear of the dwelling is a conservatory and a small flat roof dormer within the roof plane.

The property is located on the edge of a residential area where surrounding development shared similar design and architectural features. The dominant construction materials appear to be red brick to front elevations with the side elevations faced in white/cream render.

Description of Proposal:

The application seeks permission to vary condition 3 (materials) on previous permission 2024/91994 for erection of rear dormer and alterations to change hip roof into gable roof.

Condition 3 of 2024/91994 states the following:

3. The walls of the dormer to rear shall be of a dark grey colour finish, the materials of construction used in the construction of the roof and wall in relation to all works to create the hipped roof and associated alterations shall in all respects match those used in the construction of the host property and be retained thereafter.

Reason: *In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.*

The variation seeks to use dark grey tiles instead of red tiles to re-tile the whole roof.

History of negotiations/amendments received

Officers requested confirmation on whether the intention was to retile the entire roof using grey tiles.

Publicity & Representations

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

Final publicity date expired: 27th December 2024

No representations were received as a result of the publicity.

Consultation Responses

No statutory consultations were requested for this application.

Allocation & 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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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Chapter 2 – Achieving sustainable development

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

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.

Assessment

The starting point for a Section 73 application is the previously granted planning permission, which must carry significant material weight. The principle of extending the dwellinghouse at this site was established under permission 2024/91994. As such, it is considered that the principle of development remains established by the way of the previous application. The assessment will therefore deal with the merits of the proposed variations only.

The National Planning Policy Framework has been updated since the determination of the previous application. It is not considered the update of the NPPF has a significant impact upon the determining issues considered applicable in this case.

The determining issues are assessed as follows:-

Visual amenity

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

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.

The proposal would see the use of grey roof tiles, with the tiles being of the same design as that used upon the host property. Given that there is a varied palette of materials in the surrounding context of the site, the proposed grey roof tiles would not appear an incongruous feature within the street scene and would harmonise with the existing property. The applicant has confirmed the whole roof would be re-tiled using grey tiles, and officers note there is scope to re-roof the host property utilising permitted development rights. It is considered to re-roof the host property using grey tiles and complete the proposed works would fall under the description of alterations to change hip roof to gable roof. Therefore, the proposed variation of condition 3 of permission 2024/91994 is considered to have an acceptable impact upon visual amenity and the character of the host property and wider locality.

It is therefore considered that approving these details and varying these conditions would not cause detrimental harm to the visual amenities of the locality and that the variations are in compliance with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

Conclusion & Recommendation

There has been no significant change to the site allocation since the 10th October 2024 consent (2024/91994). It is therefore considered that, subject to the wording of conditions being amended, where relevant, to ensure any grant of permission aligns with the submitted details (where relevant) and details submitted as part of this application, as well as the inclusion of all informative notes imposed on the 10th October 2024 consent (2024/91994) being re-imposed on this Section 73 application the proposal is acceptable.

It is therefore concluded that the variations to the approved plans proposed under this Section 73 application are acceptable and do not alter the conclusions reached and the recommendation made for application 2024/91994.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/93263

Officer Recommendation: Variation of Conditions Approval

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. 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 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 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

2. The walls of the dormer to rear shall be of a dark grey colour finish, the materials of construction used in the construction of the wall in relation to all works to create the hipped roof and associated alterations shall in all respects match those used in the construction of the host property. The roofing materials of construction shall be smooth faced roof tile of a dark grey colour finish. The materials of construction approved by this condition shall be retained thereafter.

Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
<i>As submitted under application 2024/93263</i>			
Marley Modern Roof Tile Anthracite Brochure	-	-	19/11/2024
Marley Modern Roof Tile Anthracite Brochure	-	-	19/11/2024
Photograph of roof	-	-	19/11/2024
Photograph of roof	-	-	19/11/2024
Photograph of roof	-	-	19/11/2024
Photograph of roof	-	-	19/11/2024
Photograph of roof	-	-	19/11/2024
Application form	-	-	19/11/2024
<i>As submitted under application 2024/91994</i>			
Location Plan	PP-12742861v1	-	16/07/2024
Existing Plans & Elevations	24/76/01	-	19/08/2024
Proposed Plans & Elevations	24/76/02	A	26/09/2024
Application form	-	-	16/07/2024
Climate Change Statement	-	-	19/08/2024
Photo of 33, Haughs Road	-	-	16/07/2024
Photo of 33, Haughs Road	-	-	16/07/2024
Photo to rear of 33, Haughs Road	-	-	16/07/2024
Photo of rear dormer	-	-	16/07/2024

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers requested confirmation on whether the intention was to retile the entire roof using grey tiles.

Report Dated: 07/01/2024

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