

**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:	2024/70/93591/E
Site Address:	Hill Crest, The Village, Thurstonland, Huddersfield, HD4 6XX
Description:	Variation condition 2 on previous permission 2023/93683 for erection of first floor extension with front porch, rear dormers and associated internal and external alterations (within a Conservation Area).
Recommending Officer:	Edward Cheseldine

DECISION – Variation of Condition - 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: 11-Mar-2025

Officer Report

2024/93591 - Hill Crest, The Village, Thurstonland, Huddersfield, HD4 6XX

Application Proposal

The application is a section 73 application seeking permission for the variation of condition 2. (plans) on planning application 2023/93683 for erection of first floor extension with front porch, rear dormers and associated internal and external alterations (within a Conservation Area).

The following changes to the approved plans are as follows:

- Removal of gable-end Juliet balconies on the rear elevation to be replaced by mullion windows.
- The eaves height of the northern aspect of the building will be increased to ~4.10m. The roof shape will be changed to a pitched roof.
- Removal of a front doorway and increase the size of the garage opening.
- 3 conservation rooflights to be introduced to the front roof plan.

History of Negotiations

Amended plans were submitted by the agent, altering the fenestration of the rear elevation.

Relevant Planning History

2017/93579 - Erection of single storey extensions to side and rear (within a Conservation Area) – Full permission granted.

2023/93677 - Certificate of lawfulness for proposed garden store (within a Conservation Area) – Granted.

2023/93683 - Erection of single storey extensions to side and rear (within a Conservation Area) – Full permission granted.

Public Representation

The application was advertised by neighbourhood notification letters, a site notice and a press advertisement.

Neighbour letters expiry: 28-Feb-2025

Site Notice Expiry date: 20-Feb-2025

Press Advertisement Expiry date: 28-Feb-2025

As a result of the publicity, there were no representations.

Consultation Responses

KC Conservation & Design – No objection.

Policy & Legislation

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 located in the Thurstonland Conservation Area on the Kirklees Local Plan. The site is also located adjacent to a listed building.

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.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 35** – Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning

Document) (SPD) 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 House Extensions and Alterations Supplementary Planning Document 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

Assessment

Condition 2 is a standard condition attached to planning permissions that specifies the dwelling is built in accordance with the submitted plans. The building is located in a conservation area and may impact the setting of a listed building given its proximity, therefore an assessment of current legislation and national policy will be undertaken alongside Local Plan policy related to design.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The modification to the approved plans will remove the gable-end, pitched fenestration. The feature is not present from the public domain, however, the design alterations will simplify the design of the extension and is considered a positive enhancement.

Present on the front elevation will be the increase in roof height of the ground floor projection. This section is set down and back from its adjacent side section, therefore appearing proportionate. The distance between the protrusion and the listed building will not be reduced as the changes relate to height. The roof section will also be altered to host a pitched roof. Such a change will not change the overall appearance of the building, given there are existing pitched roofs. Conservation rooflight will be placed set into the front roofplane, which are sensitive in terms of size and appearance.

The existing garage opening will be extended, by 1.60m. The alteration is modest. The wood details to the front will be retained.

Overall, given the limited alterations to the front of the property, and the improvements to the rear of the property, the changes will preserve the setting of the conservation area and the listed building.

Paragraph 212 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 214 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The alterations relate to changes to a domestic dwelling, the front elevation of which is present within the Thurstonland Conservation Area. The traditional appearance of the building is being retained. Whilst being present from the

public domain, the building is set back from the roadside and the alterations will appear sympathetic to the form and scale of the host dwelling. External materials will match the existing property. The alterations will not result in harm to the significance of the heritage assets.

In conclusion, the alterations accord with the relative legislation and policy in the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF paragraphs 212 & 214.

Policy LP 24 of the Kirklees Local Plan is relevant. The policy states that 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

The House Extensions & Alterations Supplementary Planning Document goes into further details outlining guidance on acceptable design of side extensions. Paragraph 5.22 states first-floor side extensions should:

- Ideally be visually smaller in relation to the original house;
- Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- Have a roof design that follows the form of the existing roof;
- Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens

In terms of the above, the changes to the side projection accords with the guidance outlined within the House Extensions & Alterations Supplementary Planning Document. It is set down and back from the adjacent side projection therefore appearing subservient. The roof form continues the pitched roof of the main dwelling. A 1 metre gap to the side will be retained.

Section B of LP24 states that alterations to existing buildings should:

'...minimise impact on residential amenity of future and neighbouring occupiers.'

New windows are high level and will not have view towards neighbouring habitable rooms. The new windows to the rear were previously assessed on 2023/93683 and will not have an impact to privacy. Due to distance, there will not be a loss of outlook, loss of light or an overbearing impact to neighbouring occupants.

The proposed design variations accord with Policy LP24 of the Kirklees Local Plan, as well as paragraph 5.22 of the House Extensions & Alteration Supplementary Planning Document.

Conditions attached to previous approved application 2023/93683.

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.
The development hereby permitted shall be begun before 20 August 2027.
In accordance with Condition 1 of application 2023/93683.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.
Condition amended through this Section 73 application.

1. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.
In accordance with Condition 3 of application 2023/93683.

3. The gutters shall be cast iron or cast aluminium of an ogee profile and shall be black in colour. They shall be supported by stone corbels/metal brackets and shall not be fixed to a timber fascia, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the proposed works are in keeping with the character and appearance of the listed building and so as to ensure that the development shall harmonise with its surroundings and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.
Considered appropriate to again attach this condition.

4. Rainwater pipes shall be cast iron or cast aluminium and shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed works are in keeping with the character and appearance of the listed building and so as to ensure that the development shall harmonise with its surroundings and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Considered appropriate to again attach this condition.

Conclusion

The application to vary condition 2 (plans) of the previous permission for planning permission approval 2023/93683 has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations.

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.

As set out above, 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 recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number - 2024/93591

Officer Recommendation - Approve

Conditions and Reasons

1. The development hereby permitted shall be begun before 20 August 2027.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved drawings under application 2023/93683, 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: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

4. The gutters shall be cast iron or cast aluminium of an ogee profile and shall be black in colour. They shall be supported by stone corbels/metal brackets and shall not be fixed to a timber fascia, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed works are in keeping with the character and appearance of the listed building and so as to ensure that the development shall harmonise with its surroundings and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Rainwater pipes shall be cast iron or cast aluminium and shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed works are in keeping with the character and appearance of the listed building and so as to ensure that the development shall harmonise with its surroundings and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Unless otherwise agreed in writing by the Local Planning Authority, the roof windows shall be Velux Conservation Roof Windows, model CC04, with recessed flashing kit and central glazing bar and thereafter retained as such.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Proposed ground floor plans	2008-00-23	-	23 December 2024
Proposed first floor plans	2008-00-24	-	23 December 2024
Proposed elevations	2008-00-25	RevD	23 December 2024
Location plan	2008 90-02	-	03 January 2024 (submitted under application 2023/93683)
Existing grouped plans	2008-00-01	-	03 January 2024 (submitted under application 2023/93683)

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 Planning Authority has, 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. Amended plans were submitted by the agent, altering the fenestration of the rear elevation.

