

**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:	2025/70/90642/W
Site Address:	31, Skelton Crescent, Crosland Moor, Huddersfield, HD4 5PN
Description:	Variation of condition 2 (plans) on previous permission 2024/92979 for erection of first floor front and side extension with dormers, rear dormer extension and car port
Recommending Officer:	Joanna Rednall

DECISION – VARIATION OF CONDITION 2 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.**

Emma Thompson

AUTHORISED OFFICER

Date: 14-May-2025

Officer Report

Site Description

31 Skelton Crescent is a two-storey detached property located in Crosland Moor, Huddersfield. The external walls of the property are faced in stone and brick. A tiled gable roof is erected above the host dwelling, with a single storey flat roofed projection from the southern and eastern elevations.

The site is located within a residential area.

Description of Proposal

Variation of condition 2 (plans) on previous permission 2024/92979 for erection of first floor front and side extension with dormers, rear dormer extension and car port.

The applicant is seeking planning permission to insert one window to the rear elevation of the dormer on the west elevation of the dwelling.

History of negotiations/amendments received

No amendments have been sought or provided.

Relevant Planning History

No relevant planning history at the application site or neighbouring the application site.

Representations

Publicity is being taken in accordance with statutory requirements. Neighbour letters were sent out with an expiry date of 25th April 2025

One representation has been received in response to the publicity of this application. This is summarised as follows:

- The window will look straight into a neighbouring bedroom window

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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).

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

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, together with Circulars, Parliamentary 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 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF states that: “Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes onto further state that objectives should: “support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by

fostering a well-designed and safe built environment...” In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: “...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Policy LP1 goes further and states: “The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The principle of development for the erection of first floor front and side extensions with dormers, rear dormer extension and car port was established under permission 2024/92979. As such, it is considered that the principle of the development remains established by way of this permission. This assessment will deal with the merits of the proposed variations only.

2 –Impact on visual amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) 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.”

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -
- ‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’
- ‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’

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

LP24 states that proposals should promote good design by ensuring:

- ‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’

- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and 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 proposed changes to the openings would result in 1 opening in the western elevation of a dormer. This window would be of similar design and proportions to the existing windows on the dwelling and would be domestic in style. The proposed changes are considered to be relatively minor changes and would be in keeping with the character of the dwelling. Therefore, the proposed amendments are considered acceptable in this instance.

There are marginal increases to the car port which are considered acceptable.

It is considered that the proposed amendments would not cause any additional harm to visual amenity, therefore the varied plans would be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Sections B and C of Policy LP24 of the Kirklees Local Plan state that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *'...minimise impact on residential amenity of future and neighbouring occupiers.'*

Further to this, paragraph 135 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

No.29 Skelton Crescent

This property neighbours the application site to the east.

The variation to the approved plans includes the addition of a single window to the rear (west-facing) dormer. As this new opening is separated from No.29 by the main body of No.31, it is considered that the proposed change would not adversely affect the amenity of the occupiers of No.29.

No.35 Skelton Crescent

This property neighbours the application site to the west.

The rear (west-facing) dormer currently includes an opening on its south-facing elevation, and this application proposes the addition of a further window on the west-facing elevation. This new opening would be located approximately 3 metres from the common boundary with No.35 and, as such, the primary consideration in assessing the impact of this variation is the potential for overlooking and loss of privacy.

Key Design Principle 3 of the Council's House Extensions and Alterations SPD recommends a minimum separation distance of 12 metres between windows of habitable rooms facing non-habitable room windows, and at least 21 metres between directly facing habitable room windows. The proposed window, which serves a bathroom, would directly overlook two openings on the east-facing elevation of No.35, Skelton Crescent, with a total separation distance of approximately 5 metres. Given the limited boundary treatment providing screening, it is considered that the new opening could result in an unacceptable level of overlooking. Therefore, should approval be granted, it is recommended that a condition be imposed requiring the window to be obscure glazed, in order to protect the amenity of the occupiers of No.35.

No.18 Pembroke Court

This property is located to the rear of the application site.

Due to the obscure orientation of No.18 in relation to No.31, Skelton Crescent, the additional opening to the west-facing elevation would not face 18, Pembroke Court and would be screened by the main bulk and massing of the application property. For these reasons, the proposed variation of plans are not considered to result in significant impacts of undue overlooking towards the occupiers of No.18 Pembroke Court.

The marginal increase to the car port will not have any greater impact on any nearby occupants.

Subject to conditions, it is considered that no significant additional harm would be caused to residential amenity as a result of the proposed variation to the plans. Therefore, complying with policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposed variations would not significantly alter the internal roads, accesses or parking provision and as such complies with the requirements of policies LP21 and LP22 of the KLP.

5 – Other matters:

Climate change

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.

The proposed variations are imposed to improve the energy efficiency of the proposed dwelling and therefore would be considered an improvement on the approved scheme in terms of climate change.

6 – Representations:

One representation has been received:

- The window will look straight into a neighbouring bedroom window
Officer Response: Impacts of overlooking have been assessed in full within assessment section 3 of this report. It is concluded that, with the inclusion of a condition to obscurely glaze one window, the proposal would have an acceptable impact on residential amenity with regards to privacy.

7 – Conclusion:

This application to vary conditions 2 of planning permission on previous permission 2024/92979 for the erection of first floor front and side extension with dormers, rear dormer extension and car port 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 therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90642

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun by 18th December 2027.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP51, LP52 & LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.
2. The external walls and roofs of the extensions hereby approved shall be faced in materials to match the appearance of the existing building, including brick, stone and roof tiles. The external construction materials approved by this condition shall thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. The sides and face of the dormers hereby approved shall be finished in materials that in all respects match the colour finish of the roof tiles of the existing building. The materials and colour finish approved by this condition shall be retained as such thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.
4. The colour finish of the supporting structure and roof of the car port hereby approved shall be dark grey or dark brown or black which shall be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.
5. The development shall not be occupied until the ground floor window in the eastern facing elevation, to serve the utility, hereby approved has been obscure glazed. The obscure glazing shall thereafter be retained for the lifetime of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.
6. The development shall not be occupied until the west-facing dormer window, to serve the bathroom, hereby approved has been obscure glazed to a minimum Grade 4 Pilkington or similar. The obscure glazing shall thereafter be retained for the lifetime of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.
7. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type – Application 2024/92979	Reference	Version	Date Received
Location Plan	LOC		18.10.24
Existing Plans and Elevations	2921_(100) 01	-	18.10.24
Proposed Plans and Elevations	2921_(100) 02		18.10.24
Climate Change Statement		-	24.10.24
Plan Type – Application 2025/90642			
EXISTING PLANS AND ELEVATIONS	2921_(100) 01	-	10.03.25
PROPOSED PLANS AND ELEVATIONS	2921_(100) 02	A	10.03.25

No amended plans were sought or received.

Report Dated: 12/05/2025