

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:	2025/70/91076/W
Site Address:	32, The Paddock, Kirkheaton, Huddersfield, HD5 0ER
Description:	Variation of condition 2 (plans) on previous permssion 2022/93578 for erection of side extension, first floor balcony, and external alterations
Recommending Officer:	Faiza Bano

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.

John Holmes

AUTHORISED OFFICER

Date: 30-Jul-2025

Officer Report

Variation of condition 2 (plans) on previous permission 2022/93578 for erection of side extension, first floor balcony, and external alterations

Site

The application site relates to a detached house located towards the head of a cul de sac with dwellings of a similar type, age and design to the north, south and west of the site. To the north of the site is rising land which forms the garden of the host property with a highway and dwellings beyond.

Description of Proposal

Amendments from the original drawings include the following:

A) All Elevations – Material Tags added for additional clarity on drawing '24D07-FBA-ZZ-XX-DR-A-2001-P06 – PROPOSED'

B) Front Elevation Amendments – Amendments to materials – to be finished with red brick outer leaf to match existing and white horizontal cladding to match existing.

Amendment to proposed ground floor window - the revised window design will consist of two sections instead of the originally proposed three, will measure 1.3m x 1.5m and will be 731mm above ground floor level; rainwater pipes included; ridge of extension raised 0.6m.

C) Proposed Side 1 Elevation – Amendments to external material;

first floor – reducing the size of the window to 1.1m x 0.77m and relocating the window as show in drawing '24D07-FBA-ZZ-XX-DR-A-2001-P06 – PROPOSED'; reducing the number of windows at ground floor level from three to two; balcony omitted; rainwater pipes included; ridge of extension raised and roof pitches amended.

D) Proposed Rear Elevation – Balcony omitted; location of bi-folding doors amended; first floor window position amended; rooflights added to rear elevation of roof; rainwater pipes included; ridge of extension raised.

E) Proposed Side 2 Elevation – Balcony omitted; ridge of extension raised rainwater pipes included.

F) Proposed Ground Floor – Internal Alterations and Reconfigurations and footprint amended to increase 0.2m to the front projection.

G) Proposed First Floor Plan – Internal Alterations and Reconfigurations including removal of balcony and footprint amended to increase 0.2m to the front projection.

H) Roof Plan – Roof Amended as described above.

History of Negotiations

N/A

Representations

The application was advertised on the Kirklees Website and by site notice which expired on 24.06.2025.

No comments received.

Consultations

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).

The site is unallocated on the Kirklees Local Plan proposals maps.

Kirklees Local Plan:

- LP 01 – Achieving sustainable development
- LP 02 – Place shaping
- LP 21 – Highways and Access
- LP 22 - Parking
- LP 24 – Design
- LP 53 – Land Contamination

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. NPPF relevant chapters:

- Chapter 2 – Achieving sustainable development.
- Chapter 4 – Decision Making
- 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.

Assessment

The proposed variations to the previously approved plans are set out in full above, within the 'Description of Proposal' section of the report.

The proposal would retain the same level of off street parking as that of the approved scheme, in addition the impact upon climate change and land quality would be the same as that of the approved scheme. Therefore, it is considered that the key determining issues in the consideration of this application are the impact of the amendments upon visual amenity and also residential amenity. These are assessed as follows:

Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

As part of the proposed amendments the footprint would slightly increase to the front projection, and the ridge height would increase. The planning statement sets out a number of examples in the street scene where additions to neighbouring properties have been undertaken with higher ridge levels to the extensions.

In this case it is considered that the proposed amendments would not significantly alter the scheme from its original design and whilst there would be an increase in the quantum of development which is proposed this would not go beyond the scope of the original description of the development.

The proposal would introduce additional built form, although it is considered that the impact visually within the street would not be significant in this case having regard to the character of the street scene, siting of the property in relation to the street / neighbouring properties in terms of being set back and overall it is concluded that the proposal would have an acceptable visual impact having regard to the aforementioned policies.

A condition of approval required materials to match and this would remain in place in the instance of any grant of permission.

Subject to condition the proposal is considered acceptable in this regard.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The additional extent of built form is not considered to introduce a significant level of overshadowing or be unduly oppressive / overbearing from that as approved and therefore the proposal is concluded acceptable in this regard.

The previous permission required windows to the side elevation to be obscure glazed, on the basis this condition is re-imposed on any grant of permission it is considered the impact of the development with regard to overlooking would not be significantly greater than that of the approved scheme and the proposal is acceptable in this basis.

The proposal would retain a functional garden space. Therefore, subject to condition the proposal is considered acceptable in this regard.

Conditions

Five conditions were in place upon the original permission. Condition 1 (time limit to begin the development) would be re worded to reflect the same time period as per the original consent.

Condition 2 (plans list) would remain as worded although the plans list updated to reflect the relevant plans applicable, which would be the red line boundary of the original permission and the plans submitted as part of this application.

Condition 3 (materials) would remain as worded as would condition 4 (obscure glazing).

Condition 5 is not considered to be necessary given the balcony is omitted from the scheme the subject of this application and condition 5 sought to ensure a privacy screen to the side of the balcony.

Representations

N/A

Conclusion

The proposed variations as set out above accord with all relevant national and local planning policy. This variation will still represent high quality sustainable development, whilst still maintaining a good standard of amenity for nearby dwellings.

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.

Decision Authorisation - Delegated Powers

Application Number: 2025/91076

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun by 6th June 2026.

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

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 LP53 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, 14 and 15 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 and be retained thereafter.

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

4. The development shall not be occupied until the windows in the southern (side) elevation have been obscure glazed minimum grade 4. 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 LP24b 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.

Plans and specifications schedule: -

Plan submitted as part of application 2022/93578	Reference	Date Received
Existing Plans and Elevations	22D15-FBA-22-XXDR-A-2000 RevP02	4th November 2022
Plan submitted as part of application 2025/91076		
Proposed Plans and Elevations	24D07-FBA-ZZ-XX-DR-A-2001-P06 – PROPOSED	16/04/2025
Proposed Site Layout Plan	24D07-FBA-ZZ-XX-DR-A-2002-P03	16/04/2025
Existing Site Layout Plan	24D07-FBA-ZZ-XX-DR-A-0200-P02	16/04/2025
Planning Statement	24D07	16/04/2025

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 have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

As the submitted plans were acceptable, no changes were sought.