

**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:	<b>2025/70/91332/W</b>
Site Address:	11, Woodlands Avenue, Thongsbridge, Holmfirth, HD9 7SP
Description:	Variation of conditions 2 (plans), 3 (materials) on previous permission 2011/92866 for erection of two storey side extension
Recommending Officer:	Molly Storer

**DECISION – VARIATION OF CONDITIONS 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: 13-Oct-2025

## THE SITE

The application site refers to 11 Woodlands Avenue, a two-storey semi-detached property located in the area of Thongsbridge, Holmfirth. The property is situated on a corner plot with the east elevation fronting Woodlands Avenue and the side, north elevation facing Lime Avenue.

The site is located in a residential area, with the design styles and age of the neighbouring properties all differing, with red brick and natural stones being used in proximity of the site.

## THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for variation of conditions 2 (plans), 3 (materials) on previous permission 2011/92866 for erection of two storey side extension.

Condition 2 of 2011/92866 states the following:

*2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 with Policies D2, T10, BE13 and BE14 of the Unitary Development Plan.*

Condition 3 of 2011/92866 states the following:

*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 BE13 of the Unitary Development Plan.*

## PLANNING HISTORY

2011/92866 - Erection of two storey side extension – Conditional Full Permission.

2015/91388 - Non material amendment to previous permission no. 2011/92866 for erection of two storey side extension – Approved.

## REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2024).

The application has been publicised on the Council's website, by neighbour notification letters & site notice. The expiry date of the publicity period was 3<sup>rd</sup> October 2025.

No representations were received.

## **CONSULTATIONS**

K.C. Trees – No objections.

K.C. Highways Development Management – No objections.

## **ALLOCATION AND 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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan but falls within the Holme Valley Neighbourhood Plan area and associated landscape character area (LCA 4). As such the following is considered relevant to the determination of this application:

### Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP51** – Protection and Improvement of Local Air Quality

### Supplementary Planning Guidance/Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

### Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows: -

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Policy 2 – Protecting and enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is within Landscape Character Area LCA 4: River Holme Settled Valley Floor.

## **ASSESSMENT**

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the 'determination of applications to develop land without compliance with conditions previously attached'. In addition to removing conditions, S73 enables the varying of a condition's wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. The principle of erecting a two storey extension at this site was established under permission 2011/92866. As such, it is considered that the principle of development remains established by the way of the previous application.

The 2011/92866 consent required the development to commence within 3 years of the date of the date of decision (22 December 2014). From visiting the site and from review of ariel imagery it is considered that development has commenced therefore, there is no longer a requirement for this time limit condition and development has lawfully commenced.

The assessment will deal with the merits of the proposed variations only.

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'*.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment.

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

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 proposed plans show that the proposal would see the following changes:

- Change of the facing material on the ground floor side walls from facing brick to block and render with brick corner detailing.
- Reduced width and height of the first-floor extension by approximately ~1m, while keeping the extension within the originally approved footprint.
- Alterations to glazing to the front and rear elevations including two new roof lights.

There will be multiple changes made to the original proposal (listed above). With regards to the change of the facing material on the ground floor side walls from facing brick to block and render with brick corner detailing. This is considered acceptable as it will harmonise with the existing property and surrounding area. the materials of render with brick corner detailing are common within the locality.

The first floor element of the extension will see a reduction in width and height of the first-floor by approximately ~1m, while keeping the extension within the originally approved footprint.

This is considered acceptable as it the first floor addition will result in less bulking and massing. It will not project further than the frontwards projection and will appear subservient to the property.

The window changes to the front and rear elevation are proposed to be of a similar size and further within the site than those previously approved and therefore will have no further impact. Although there is are two additional roof lights (one within the front roof plane and one within the rear roof plane) these are not considered to have any significant further impact then other approved openings on the respective elevations.

The changes as a whole are considered to have an acceptable impact upon visual amenity and the character of the host property / wider locality.

Therefore, having regard to the details set out in the submitted plans it is considered the proposal is acceptable and that subject to condition the development is undertaken in accordance with the submitted plans and that the materials accord with those set out on submitted plans 'WA04' and 'WA05' both dated July 2024 the proposal is acceptable.

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.

### Residential Amenity

Section B and C of LP24 states 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 National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

The alteration to reduce the height and width of the first-floor extension by approximately 1m each will reduce the bulk of the first storey element and therefore will result in less massing to neighbouring properties. Furthermore, as the separation distance to the neighbouring properties will remain the same as the approved, it is considered that there will be no additional overshadowing/overbearing impact. Given that there will be only two additional roof lights which will be limited in size and alterations to windows within the front and rear elevations which will both maintain a separation distance of over 15m to the nearest neighbours to the front and rear, it is considered that privacy will not be significantly impacted as a result of the design amendment.

It is noted that the previous permission required that no additional door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of all elevations of the extension. Given the reduction in the extent of openings proposed and fact permitted development rights have been updated since the original consent now requiring obscure glazing for upper floor windows it is considered this condition (no.4 of 2011/92866) is no longer necessary and this would not be included.

The proposed alterations would not result in any further harm upon the residential amenities of the neighbouring properties. As such, the proposal would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 (f) of the National Planning Policy Framework.

## **CONCLUSION & RECOMMENDATION**

There has been no significant change to the site allocation since the 22<sup>nd</sup> December 2011 consent (2011/92866). 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 22<sup>nd</sup> December 2011 (2011/92866) 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 2011/92866.

**Recommendation**

**APPROVE**

**Decision Authorisation:** Delegated Powers

**Application Number:** 2025/91332

**Officer Recommendation:** Variation of Conditions Approval

### **Conditions**

1. The development hereby permitted shall be carried out in 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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, Policies 1, 2 and 3 of the Holme Valley Neighborhood Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.
2. The materials of construction shall be in accordance with those set out within submitted drawing WA05 with the colour finish of all render to match that of the colour finish of render upon the existing dwelling. The development shall not be brought into use until it has been completed

with the materials of construction and colour finish approved by this condition.

**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, policies 1 & 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

<b>Plan Type submitted as part of application 2011/92866</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan 1:1250	01	-	9/11/2011
Block Plan 1:500	01	-	9/11/2011
Existing lower ground floor	03	-	9/11/2011
Existing ground floor	04	-	9/11/2011
Existing elevation	05	-	9/11/2011
<b>Plan Type submitted as part of application 2025/91332</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing site/block layout	WA02	-	02/07/2025
Existing plans	WA03	-	02/07/2025
Proposed site/block layout	WA04	-	02/07/2025
Proposed plans	WA05	-	02/07/2025
Application form	-	-	17/07/2025

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

6<sup>th</sup> October 2025

