

**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>2025/70/91878/W</b>
Site Address:	1, Prospect Place, Nettleton Hill, Huddersfield, HD7 4PD
Description:	Variation of conditions 2 (plans) and 3 (materials) on previous permission 2024/91153 for erection of side porch to main property and detached outbuilding to front garden
Recommending Officer:	Jennifer Booth

**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.**

Emma Thompson

***AUTHORISED OFFICER***

Date: 03-Oct-2025

## **OFFICER REPORT**

### **Site Description**

1 Prospect Place is a two-storey semi-detached dwelling, located at Nettleton Hill, Huddersfield. The external walls of the property are faced in stone and the roofing forms are infilled with stone tiles. The main area of outdoor amenity space is located adjacent to the principal elevation of the dwelling, with off-street parking amenity space also located to the east of the principal elevation.

The application site is located within the Green Belt.

Several footpaths are located around the site, including HUD/430/40, HUD/430/30 and HUD/430/80.

A Grade II Listed Building is located to the south of No. 1 Proposed Place, namely Ryecroft Place.

### **Description of Proposal**

The applicant is seeking permission to vary conditions 2 (plans) and 3 (materials) on previous permission 2024/91153 which approved a side porch to the main house and a detached outbuilding in the front garden.

The variation specifically relates to the outbuilding. The design would alter from a pitched roof design to a flat roof with the footprint reduced. The proposals would see the outbuilding set 0.6m from the wall and in 0.9m from the steps with a depth of 3.3m and a width of 7m. The materials would be altered from stone with tiles to vertical timber cladding.

### **Relevant Planning History**

2024/91153 – erection of extensions to house and outbuilding - approved

### **Representations**

The application was advertised by site notice, which expired on 01/09/2025

As a result of the above publicity, no representations have been received.

### **Consultation Responses**

None

### **Policy**

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 Green Belt on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 35** - Historic Environment
- **LP 57** – Extension, alteration or replacement within Green Belt

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 SPD 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 6<sup>th</sup> 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 12 – Achieving well-designed places
- Chapter 13 – Protecting green belt land

- 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**

### Principle of development:

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such a key consideration will be its impact on the Green Belt and it will be assessed having regard to Policy LP57 and NPPF chapter 13. In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

### Impact on green belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 154 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 154 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.

Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

The application seeks a variation of condition relating to a previously approved domestic outbuilding within the Green Belt. The revised proposals reduce both the footprint and overall height of the structure, and introduce a flat roof design with vertical timber cladding, resulting in a more contemporary appearance. These amendments represent a reduction in the scale and massing of the building, and as such, it is considered that the revised scheme would not result in any greater impact on the openness of the Green Belt than the approved development.

### Impact on visual amenity & historic environment:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The proposed variation of condition involves a reduction in the footprint and height of the previously approved domestic outbuilding, alongside a change in design to incorporate a flat roof and vertical timber cladding. These alterations result in a more modern and streamlined appearance. The revised scale and form would not increase the overall massing of the structure, and the contemporary design is considered to be visually acceptable within its setting. As such, the proposal would not result in harm to the visual amenity of the surrounding area.

Within Chapter 16 of the NPPF, entitled 'Conserving and Enhancing the Historic Environment', paragraph 205 sets out 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..." Policy LP35 of the Kirklees Local Plan states that: "development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."

It was noted in the previous report that the site is close to a Grade II Listed Building to the south of the application site, namely Ryecroft Place. As part of the previous assessment, an informal consultation had been undertaken with the Council's Conservation and Design Team, who concluded that the proposal is not going to affect the setting of the Listed Building. The alteration to the position, footprint and design of the outbuilding, including the use of vertical timber cladding, would not alter the previous assessment. The change in materials to timber cladding is common place in a rural setting and would not be at odds with the character of the area nor would it detract from the Listed Building or its setting.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a

subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

#### Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Whilst the proposed outbuilding is to be set in close proximity to the shared boundary with the garden amenity space which serves No. 5 Prospect Place, it will be brought closer to the boundary by only approximately 0.55 than the existing outbuilding structure at the application site and will be set down to a lower topographical ground level than the land to the frontage of the dwellings (approximately 1 metre below). Therefore, on balance, it is not considered that the proposed outbuilding would give rise to any significant levels of undue overbearing or overshadowing over and above the existing arrangement and relationship between No. 1 and 5 Prospect Place. The outbuilding is considered to be set a sufficient distance away from any other properties within the immediate vicinity as to prevent any undue impacts of overbearing or overshadowing. No glazing is proposed to the outbuilding which would face directly towards any neighbouring properties. Officers note that the raised decked area is existing.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

#### Impact on highway safety:

The variation of condition would result in no intensification of the domestic use. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

#### Other matters:

##### *Biodiversity*

The development is for a single storey outbuilding in the grounds of a dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the works proposed are considered unlikely to have an impact on the bat population.

### *Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

### Representations:

None

### Negotiations:

The agent was asked to clarify the materials for the cladding.

### Proposed conditions

Timescale condition amended for time period remaining (18 August 2027), it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

The outbuilding should be clad with vertical timber boarding as clarified by the agent in an email to the officer on 03/10/2025 to ensure the appropriate appearance of the outbuilding.

### Conclusion:

This application to vary conditions 2 & 3 of the previous approval on 2024/91153 at 1 Prospect Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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:** 2025/91878

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be begun prior to 18<sup>th</sup> August 2027.

**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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls of the outbuilding hereby approved shall be dark brown stained timber cladding and thereafter retained.

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

4. The outbuilding shall be clad with vertical timber boarding.

**Reason:** To ensure a satisfactory appearance in line with Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays  
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Application form	-	1096219	08/07/2025
Proposed plans	0378 0055a	1096218	08/07/2025

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 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 considered to be acceptable, no changes were sought.

**Report Dated** 16/09/2025

