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Planning Department,

**SECTION 73 APPLICATION – AMENDMENT OF CONDITION 8  
RESERVED MATTERS APPLICATION, INCLUDING THE CONSIDERATIONS OF APPEARANCE, SCALE, LAYOUT, AND  
LANDSCAPING, FOR THE ERECTION OF 67 DWELLINGS, PURSUANT TO OUTLINE PERMISSION 2020/92307 FOR  
THE ERECTION OF RESIDENTIAL DEVELOPMENT (UP TO 75 UNITS) AND THE DISCHARGE OF OUTLINE  
CONDITIONS 7 (ARCHAEOLOGY), 8 (FOUL AND SURFACE WATER DRAINAGE STRATEGY), 9 (FLOOD ROUTING), 10  
(MITIGATORY TREE PLANTING), 11 (CYCLE PARKING), 12 (ARBORICULTURAL ASSESSMENT), 13 (ECOLOGICAL  
DESIGN STRATEGY), 14 (ECOLOGICAL IMPACT ASSESSMENT ) AND 15 (NOISE IMPACT ASSESSMENT)**

I am writing to formally submit a Section 73 application for the amendment of the wording of condition 8, more specifically the reference to materials plan C005 MP1 rev C. The condition is as follows:

*Condition 8 – Prior to their use, details and samples of all the external facing materials to be utilised on the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The proposed details shall adhere to the material legend shown on plan ref C005 MP1 rev C. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.*

The approved materials plan proposes plots 41-50 and 66-67 to have natural slate roofs. We wish to supersede this plan with C005 MP1 rev E, which now denotes the aforementioned plots with concrete slate replica roof tiles as per the rest of the development.

**Justification**

The original reasons for the proposed natural slate roofs are threefold – prominence of the aforementioned plots in relation to Penistone Road, the listed buildings to the west and the views from Woodsome Hall (also a listed building). This justification of our proposal will aim to provide reasonable rebuttals and evidence to support our new proposal of the concrete slate replica tiles across all plots on this development.

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1. The development in relation to Penistone Road and the neighbouring development (2022/62/93154/W)

Approximately 150–200m north of this development, also abutting Penistone Road, is another development of similar size and scale. The natural and artificial stone proposed on both developments correspond however the neighbouring development has proposed that all plots have concrete slate replica roof tiles (Danum TLE Dark Grey) across all plots which have been approved under application reference 2024/44/92428/W.

The first point regarding the prominence of plots 41-50 and 66-67 from Penistone Road has been illustrated in the section drawing included within this application. The plot included (plot 49) is set back approximately 70m from Penistone Road with an approximate ground level difference of 7.3m higher. The development is shielded by existing mature trees adjacent to the road as well as smaller additional trees as part of our landscaping proposals.

In comparison, from reviewing information approved under 2022/62/93154/W, the neighbouring development to the north has an approximate distance of 15m from frontage plots to Penistone Road and an approximate ground level difference of 3m higher. The site frontage does not have existing trees and minimal proposed tree planting. It could be argued that, given the openness and closer proximity to Penistone Road, the neighbouring development is equally or more prominent than ours. Figures 1 and 2 illustrate the views of both developments from Penistone Road.



Figure 1: Our development from Penistone Road (image from Google Street View)



Figure 2: Neighbouring development from Penistone Road (image from Google Street View)

## 2. Material Suitability

Comments on the material approval notice (ref. 2024/44/92428/W) for the neighbouring development state *“The proposed product is suitably high quality and attractive, with an overall appearance and colour typical of modern developments in the southern part of Kirklees. It is not expected to appear out of keeping in the area, with nearby dwellings having a variety of (dark, muted coloured) roof materials.”* It would be assumed that these comments would also be reflected on our development and suitability of the Danum TLE in dark grey would also be acceptable.

## 3. Listed Buildings

Two listed buildings are located within proximity of this development –

### Woodsome Bridge

Historic England describes this as *“Road bridge. Probably early C19. Ashlar, single-span, round arched bridge with string course at base of parapet. Slightly rounded copings.”* This is not thought to materially impact this application.

### 1, Woodsome Road

Historic England describes this as *“Former farmhouse and adjoining barn. Late C18 or early C19. Hammer dressed stone. Quoins. Stone slate roof (turned). Ashlar gable stacks with rounded caps. Two storeys. Central doorway with one 3-light window to each side, both floors. Barn to right has segmental headed cart entrance with mistal door to right.”* As seen on figure 3, this building is approximately 80m (straight line) from our development. However, situated between this building and our development is a dense tree-line within their curtilage and the large

mature trees along Penistone Road and our site. Due to this, 1 Woodsome Road is not directly visible from our site (see figure 4) and would argue that it should not have a direct influence on our proposed materials.

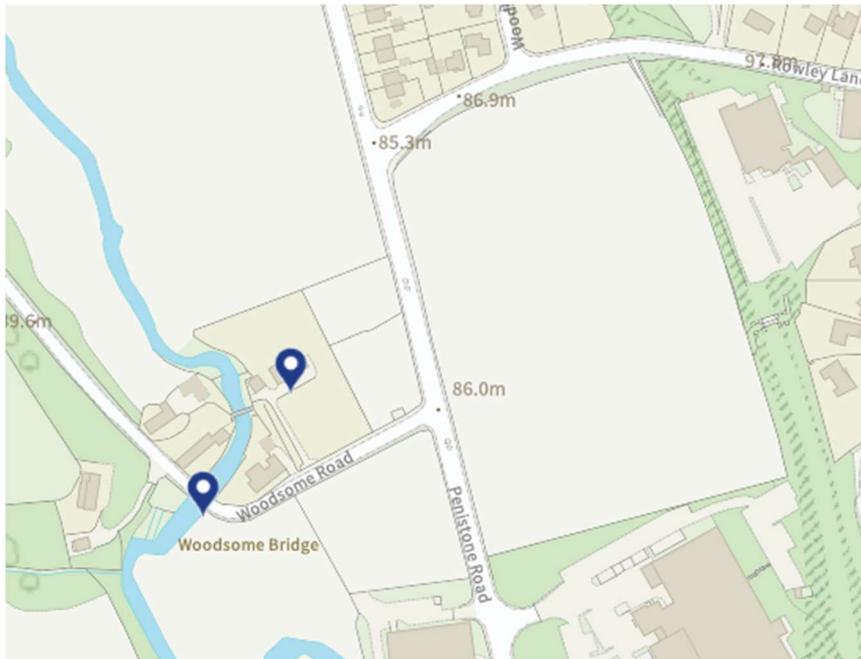


Figure 3: Location of listed buildings in relation to site



Figure 4: the view from our site towards 1 Woodsome Road (image from Google Street View)

#### 4. Views from Woodsome Hall

Woodsome Hall is a Grade I listed building approximately 650m west of our development. It is approximately 30m higher than our plots on the western side of side and views from the hall looking down the golf course extend into the valley where Penistone Road is situated. That being said and as noted above in section 3, the dense tree lines that separate Woodsome Hall and our development obstruct any views of our plots that might be possible (see figure 5). Furthermore, at a distance of approximately 600-650m, it would hard to differentiate between a natural slate tile and a concrete slate replica and would argue that it would only the similar colour that will be visible.



*Figure 5: Views from Woodsome Hall (image from Google Street View)*

In conclusion, the approval of the Danum TLE dark grey roof tile on the neighbouring development has set a precedent in the use of this particular roof tile in the area. Whilst there are some minor differences in the two sites, the proximity between the two makes it hard to argue that our development is more prominent and the arguments provided within section 1 would argue to the contrary. We are hopeful that the justification detailed above is enough amend this condition in line with the attached application.

Yours sincerely,

**Andy Gorrod**

Planning and Technical Manager – honey Yorkshire

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