

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:	2025/70/92390/W
Site Address:	94, Beaumont Park Road, Beaumont Park, Huddersfield, HD4 7AU
Description:	Variation of condition 2 (plans) on previous permission 2021/91207 for demolition and extensive reformation extensions to existing dwelling
Recommending Officer:	John Holmes

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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 15-Jul-2026

THE SITE & DEVELOPMENT

The site description and extent of the development are set out in the case officer report for application 2021/91207, hereafter referred to within this report as the original application/permission.

This report should be read in conjunction with the case officer report for application 2021/91207 which can be viewed [here](#).

THE PROPOSED VARIATION OF CONDITION/S

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for the variation of condition 2 (plans) on previous permission 2021/91207 for demolition and extensive reformation extensions to existing dwelling

The purpose of the application is to amend the approved plans referenced to within the plans list. Specifically, the alterations would see elevation drawing 2021-010(0-)04 replaced by drawing TR-A23-0104-002RevA which sets out the following alterations:

Front

- Alterations to the front ground floor openings, with the omission of a garage door opening at the ground floor level and alteration to the size, scale and alignment of the openings.
- Alteration to the front first floor openings, amending the size and design of the openings. Alteration to the placement of front dormers to be more aligned with the openings at the first floor level.

Rear

- Alteration to the size and scale of the flat roof dormer (reduction in its size).
- Alteration to the alignment of the size and scale of the ground floor openings.
- Larger roof light within flat roof element of the development.

Left Side

- Insertion of one additional opening in the side elevation.
- Alteration of alignment of two first floor openings and omission of two ground floor openings, introduction of chimney feature to the building.

Right Side

- Alteration to the alignment and placement of the ground floor door and window.
- Insertion of an additional opening at the first floor level.

The application is submitted with accompanying plans (TR-A23-0104-001RevA) which includes the internal floor plans. This would replace the floor plans as approved by drawing 2021-010(0-)-02. Specifically, the alterations shown are as follows:

Ground floor

- Omission of side windows to serve a living room in the side elevation.
- Reconfiguration of windows to the rear elevation serving a living / dining room / kitchen.
- Insertion of window to serve a wet room rather than a utility room on side elevation.
- Alteration of placement of door within the side elevation.
- Omission of garage and creation of larger home office and utility / storage rooms. Window to serve larger office in place of opening to serve garage.

First Floor

- Alterations to layout to create additional bedroom served by a window initially proposed to be a bathroom.
- Annotation of use of part of the flat roof element of the development as a terrace.
- Creation of bathroom window within side elevation.

PLANNING HISTORY

The most relevant planning history for the site relates to the following:-

2021/91207 - Demolition and extensive reformation extensions to existing dwelling – Granted Conditional Full Permission on 12th November 2021.

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter. The application has been publicised in the same way the original application was publicised with the expiry of publicity being via neighbour letters.

One objection has been received raising the following concerns:

- The application has been made following planning enforcement involvement
- Openings have been inserted without permission and which do not need to be in place
- The fact the opening inserted to the first floor side elevation is obscure glazed does not prevent overlooking when the window is open.
- These sort of actions undermine the planning process
- Impact of alterations needs to be assessed in relation to neighbouring occupiers

- The impact is already being experienced as a result of the building works having been undertaken.

The third party representation received is taken into account in the 'Assessment' section of this report.

In addition, representation has been received from a Local Ward Member, including a request the application be determined at the District Wide Planning Committee. Within their request they state overlooking impact and opportunity for consideration by the Planning Committee as the reason for the request. Discussion of this application in light of the recommendation has been undertaken with the Chair of the Planning Committee, Councillor James O'Leart and authorization that the decision be delegated to officers.

During the processing of this application, updated plans were submitted to address the ability for scale measurements to be taken. The plans as publicised set out the development the subject of this application which is under consideration and further publicity of the plans was not therefore considered necessary in this case.

CONSULTATIONS

None

ALLOCATION AND POLICIES

The allocations and policies relevant for the site and development are set out in the case officer report for the original application and it is not considered necessary to repeat them here.

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

ASSESSMENT

This Section 73 application seeks minor material variations to the originally approved plans which have come about by a change in the design and layout of the site.

It is considered that the key determining issue in the consideration of this application are:

- Visual amenity
- Residential amenity

The National Planning Policy Framework has been updated since the determination of the previous application and there has been the adoption of the Housebuilders Design Guide by the Council. It is not considered that the adoption of the SPD and the update of the NPPF has a significant impact upon the determining issues considered applicable in this case.

Residential Amenity issues

A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the KLP. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The nearest neighbouring properties to the site in which would be affected include no's 96a Beaumont Park Road, 1 and 3 Westridge Drive and 15, 17 and 19 Butternab Road.

The bulk, massing and extent of the built form is not proposed to be significantly altered by the proposed development. The proposal would see fenestration alterations detailed within the 'Proposal' section of this report.

The submitted plan (002RevA) sets out an additional first floor opening. This was not present upon the previously approved plans. It is considered that whilst acceptable in terms of overlooking impact upon neighbouring occupiers, this is on the basis it is an obscure glazed opening. In the event that the application is approved, it is recommended that an appropriately worded condition is attached to ensure the window is installed as such.

It is noted third party representations raise the potential for overlooking from the window when it is open, however given the openings size, such impact is considered to be limited and as such it is considered it would not be possible for the LPA to substantiate a reason for refusal on such a basis.

Subject to inclusion of the additional condition it is considered the development does not have an impact upon the residential amenity of neighbouring occupiers significantly greater than that of the originally approved development.

Within an email dated 5th May the applicant has raised potential for removal of the condition requiring a 1.5m high obscurely glazed screen has been erected along the southern elevation. However, it is considered removal of this condition would increase potential for overlooking of neighbouring occupiers including amenity spaces and therefore its inclusion is recommended to remain.

Subject to conditions the proposal is considered to accord with the aforementioned policies.

Visual Amenity

The site is adjacent to the Grade II registered historic Beaumont Park. Therefore, section 66 of the Planning (Listed Buildings and Conservation

Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character of areas of special designation.

Furthermore, Policy LP35 of the Local Plan regarding Heritage states “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”.

Paragraph 195 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of an application for planning permission on the setting of a heritage asset. The application has also been assessed the KC Conservation & Design Officer.

Policy LP24 of Kirklees Local Plan and policies within chapter 16 of the NPPF are relevant in the determination of this application. Paragraph 206 of the NPPF states that Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The Housebuilders Design Guide SPD is also relevant which sets out a number of design principles, the key ones related to this application are:

- Principle 2 states that development should, take cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details. Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context
- Principle 5 states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.
- Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.
- Principle 14 states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.
- Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Significance of the heritage assets affected

As outlined above, the proposed development is within the setting of the Beaumont Park, which is registered grade II. Beaumont Park was laid out by the Borough Surveyor R S Dugdale on land donated to the borough by the wealthy local landowner H F Beaumont. The Park was completed in 1893. The construction of Beaumont Park Road formed part of the park design. In the late nineteenth century and early twentieth century, it was common for public parks to be associated with the development of high-status dwellings around their perimeter. Sometimes this was to fund the laying out of a park, as pioneered at Birkenhead Park, the first public park in England or simply the park helped raise local land values to the benefit of the park's benefactor, as was the case at Beaumont Park. Development proceeded slowly, by 1922 there were just two dozen properties clustered around the junction of Woodside Road and Dry Clough Road of which Ridgemoor (no.64 Beaumont Park Road) is clearly one of the earliest of c.1910. Interestingly, Greenhead Park was completed just a year after Beaumont Park and its convenient location proved to be far more popular with the town's affluent middle classes.

In the processing of the original permission initial concerns were raised by Conservation and Design Officers regarding the scheme and therefore amendments were sought to simplify the dwellings new principal elevation.

The proposal has added some level of additional detailing and altered fenestration, however it is considered the overall design ethos of the development has not significantly altered from that of the originally approved scheme.

The original permission was subject to a condition relating to the materials of construction. This condition was subsequently discharged and on the basis of the scheme being undertaken in accordance with the materials of construction previously approved in writing by the LPA the proposal is considered to have an acceptable visual impact which is not significantly altered from that of the original approved scheme.

Subject to condition, the proposal is considered to accord with the aforementioned policies.

Review of conditions

In the instance of any grant of approval of a S73 application a new consent is issued by the LPA, as such all conditions upon the original permission are required to be reviewed and where necessary re applied or amended.

Condition no.1 - relates to the timeframe to commence the development, as the development has commenced this condition would not be considered necessary.

Condition no.2 - relates to the plans the development is required to be undertaken in accordance with. The plans list table within the decision notice is recommended to be updated to reflect the updated plans the subject of this application.

Condition no.3 – this condition was discharged by virtue of application 2023/90644 which approved the materials of construction for use within the development by letter dated 28th March 2023. It is recommended that any approval is on the basis that the development is undertaken in accordance with the materials of construction so approved.

Condition no.4 & 5 requiresre the provision of surfacing and an electric vehicle charging point and are recommended to be slightly re-worded to make reference to the plan submitted as part of application 2021/91207.

Conditions 6 & 7 - requires provision of an obscure glazed privacy screen / screen to the roof terrace, and are recommended to be retained as worded.

Condition 8 - requires the provision of a bat box, this condition requires the provision of the bat box during the period of construction and is recommended to be reworded to ensure its provision is undertaken / retained.

Condition no.9 - requires no openings to the side elevations at the ground floor level and is recommended to be retained as worded.

Representations

The representations received are detailed as follows:

- The application has been made following planning enforcement involvement
- Openings have been inserted without permission and which do not need to be in place
- The fact the opening inserted to the first floor side elevation is obscure glazed does not prevent overlooking when the window is open.
- These sort of actions undermine the planning process
- Impact of alterations needs to be assessed in relation to neighbouring occupiers
- The impact is already being experienced as a result of the building works having been undertaken.

Officer response: *The impact of the proposal with regard to overlooking is addressed within the 'Residential Amenity' section of this report.*

The application has been submitted following an enforcement complaint, planning legislation permits that works can be undertaken without permission first being sought / in place. Whilst such works are at risk of enforcement action, seeking retrospective permission is permissible in planning law and it would not be reasonable of the LPA to refuse permission on the basis permission was not first sought.

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since grant of permission for the original permission.

It is therefore considered that, subject to the wording of conditions being amended, where relevant, to the wording set out in the 'Review of Conditions' section of this report, inclusion of an additional condition as set out in the 'Residential Amenity' section of this report and all informative notes imposed 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 original application.

Approval is recommended.

Recommendation - VARIATION OF CONDITION/S APPROVED

Decision Authorisation - Delegated Powers

Application Number: 2025/92390

Officer Recommendation: Approval of variation of condition

Conditions

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 in the interests of highway safety in accordance with Policies LP1, LP2, LP7, LP21, LP22, LP24, LP28, LP30, LP34, LP35 and LP51 of the Kirklees Local Plan, Principles 2, 5, 6 12, 13, 14, 15, 16, 17 and 19 of Council's adopted Housebuilder Design Guide, Chapters 12, 14, 15 and 16 of the National Planning Policy Framework and Section 66 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.
2. The new stone to be used on the principal elevation, the brickwork to be used on the side and rear elevations and the blue slate roof tiles, shall be in accordance with the details submitted as part of application

2023/90644 for the discharge of condition no.3 of permission 2021/91207 and approved in writing by the Local Planning Authority within a letter dated 28th March 2023. The materials of construction approved by this condition shall be retained thereafter for the lifetime of the development.

Reason: So as to ensure the satisfactory appearance of the development on completion, to ensure that any future development would enhance the character and setting of the adjacent Grade II Listed Park and Garden, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The new driveway as indicated on the site plan (dwg.no 2021-010(0-03) submitted as part of application 2021/91207 shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

4. Before the development approved by this application is first brought into use, one electric vehicle recharging point shall be provided in the parking area, as shown on the site plan (dwg.no 2021-010(0-03) submitted as part of application 2021/91207. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Council's adopted Housebuilder Design Guide, Chapters 9, 14 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

5. The hereby approved roof terrace, shall not be brought into use until a 1.5m high obscurely glazed screen has been erected along the southern elevation. The screen shall be equivalent to or more obscure than Pilkington's Glass grade 4 privacy level. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order

revoking or re-enacting that Order) the screen shall be thereafter retained with the same obscure glazing privacy level.

Reason: In the interests of residential amenity, to avoid overlooking or a loss of privacy for the neighbouring properties and to ensure the safety of its users, in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

6. The hereby approved roof terrace, shall not be brought into use until a 1m high screen has been erected along the western boundary of the terrace. The screen shall thereafter be retained.

Reason: To ensure the safety of the users, in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

7. During the period of construction, one bat box, in the form of a Schweglar type 1FR woodcrete bat box or similar, or similar shall be incorporated into the southern facing side elevation, at least 5 metres above ground level, and not above a door or window. The bat box provided shall be thereafter retained.

Reason: To enhance the biodiversity of the development and to accord with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created at ground floor within the northern and southern facing side elevations of the dwelling hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

9. The development shall not be occupied until the first floor opening within the left side elevation upon submitted drawing TR-A23-0104-002revA has been fitted with obscure glazing or permanently affixed film which achieves an obscurity of Pilkington level of four or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) The obscure glazing or permanently affixed film shall thereafter be retained for the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs, in the interests of the residential amenity of neighbouring occupiers and to accord with policy LP24 b of the Kirklees Local Plan, Principle 3 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Construction working times Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours , Saturdays With no noisy activities on Sundays or 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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: Electric Vehicle Charging Points

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule: -

Plan Type submitted as part of application 2021/91207	Reference	Date Received
Location Plan and Existing Floor Plans and Elevations	2021-010(0-)-01	1 st June 2021
Demolition and Retention Plan	2021-010(0-)-05	1 st June 2021

Design and Access Statement	-	1 st June 2021
Plan Type submitted as part of application 2025/92390	Reference	Date Received
Attic Floor Plan	TR-A23-0104-006	17 th April 2026
3d Elevations	TR-A23-0104-003RevA	17 th April 2026
Proposed Elevations	TR-A23-0104-002revA	17 th April 2026
Sections Plan	TR-A23-0104-007	17 th April 2026
Proposed Sections	TR-A23-0104-005	17 th April 2026
Proposed Layout	TR-A23-0104-001RevA	17 th April 2026

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were required.