

# 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>2025/70/93006/W</b>
Site Address:	10, Occupation Road, Lindley, Huddersfield, HD3 3AZ
Description:	Variation of condition 2 (plans) on previous permission 2023/93146 for demolition of fire damaged garage and erection of replacement garage
Recommending Officer:	Molly Storer

#### **DECISION – VARIATION OF CONDIITON 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: 18-Dec-2025

## Officer Report

### Site Description

The application site relates to 10 Occupation Road, a two storey detached dwelling in the area of Lindley. The property benefits from a large garden amenity space to the front and rear it also has a large driveway to the side of the house. The dwelling is constructed from red brick and red concrete roof tiles. Due to the topography of the site, the application property lays at a significantly higher land level than the properties to the rear (north) on Dingley Road. There was a detached garage to the rear of the property which has since been removed due to a fire incident. The property had a two story rear extension which was erected around the year 2000.

### Description of Proposal

#### *The Scheme*

The application is seeking permission for the variation of condition 2 (plans) on previous permission 2023/93146 for demolition of fire damaged garage and erection of replacement garage.

The variation would see the proposed outbuilding slightly increasing in scale as the application form states that due to structural design the garage needs to be larger.

The changes include:

- A larger footprint
- Increase in overall height from 4.295m to 4.45
- Two small high level windows added to the east side elevation
- A window removed from the west side elevation next to the door
- Solar panels removed from the east elevation roof plane

The previous condition read as:

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 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 and 14 of the National Planning Policy Framework

### **History of Negotiations / Amendments Received**

No amendments have been requested by Officers.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

2000/90890 – Erection of two storey extension - Conditional Full Permission.

2023/93146 - Demolition of fire damaged garage and erection of replacement garage - Conditional Full Permission.

#### 8 Occupation Road:

2017/92604 -Demolition of existing garage and erection of new detached garage – Conditional Full Permission

### **Representations**

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

The application has been publicised by neighbour notification letters. The expiry date of the publicity period was 21<sup>st</sup> November 2025.

No representations have been received.

### **Consultation Responses**

No consultations were considered necessary for this application.

### **Allocation and Policy**

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is also located within an area at low risk of ground movement due to previous coal mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

### *Kirklees Local Plan*

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP33** - Trees
- **LP 51** – Protection and improvement of air quality

### *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, the Planning Practice Guidance Suite (PPGS) first launched 6th 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.

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

### *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)  
House Extensions & Alterations SPD (adopted June 2021)

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Representations
6. Conclusion

## **1 – Principle of Development**

Section 73 of the Town and Country Planning Act 1990 allows for the variation or removal of a condition of a previous permission.

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The principle of development for the demolition of fire damaged garage and erection of replacement garage was established under permission 2023/93146. As such, it is considered that the principle of the development remains established by way of this permission. This assessment will deal with the merits of the proposed variations only.

## **2 – Impact on character and appearance of the area**

### *Visual Amenity*

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. 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'*.

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 recommendations of Paragraph 5.3 of the House Extensions and Alterations SPD refer to the guidelines for outbuildings within Kirklees.

The changes include:

- A larger footprint
- Increase in overall height from 4.295m to 4.45
- Two small high level windows added to the east side elevation
- A window removed from the west side elevation next to the door
- Solar panels removed from the east elevation roof plane

The proposal will see the footprint of the garage increase from 6.515m x 6.515m to 7.3m x 6.75m (an increase of the width by 0.785m and the length by 0.235m). The increase in overall height would be 0.55m.

It is considered that the garage will remain subservient to the original building and is still to be constructed using materials approved materials which are not harmful to the character of the local area. Furthermore, the location of the outbuilding remains to the rear of the property and would therefore have limited impact on the street scene. The new development will still leave more than 50% of the private amenity space to the rear of the property. Considering this, the impacts on the local character of the area are considered to remain as minimal.

The proposed variation to the existing permission is set to be of an adequate scale, form, and layout, and constructed using materials to match the existing building. These characteristics of the proposal will ensure the development continues to comply with Policy LP24 of the Kirklees Local Plan, Policies

within Chapter 12 of the NPPF, and Principles 1 and 2 of the House Extensions and Alterations SPD.

### **3. Impact on Residential Amenity**

Sections 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.

Key Design Principle 3 states that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 4 sets out that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.

Key design principle 5 relates to overshadowing/loss of light and details that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

Key design principle 6 seeks to ensure developments preventing overbearing impact and that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

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

*No. 8 Occupation Road – adjacent neighbour to the east– is a two storey detached dwelling set on a lower ground level than the applicant property. This property has a detached garage in a similar position to the one proposed at No.10. Although there are two additional small high level windows proposed in the east elevation it is considered that the fence and vegetation will maintain screening along the boundary between the two properties.*

The other proposed alterations to the development being sought would not create any significant additional harm with regard to residential amenity.

Due to these reasons, the proposed variation is considered to have an acceptable impact upon residential amenity and would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the adopted House Extensions and Alterations SPD, and policies contained within Chapter 12 of the National Planning Policy Framework.

#### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The impact upon highway safety has been deemed acceptable under the 2023/93146 permission. As the scale of the development would not be significantly increased under this variation of condition, the impact upon highway safety and parking provision remains acceptable.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

#### **5. Climate Change**

On 12th 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Representations**

No representations have been received.

## **7. Conclusion**

The proposed variations as set out above accord with all relevant national and local 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.

**Recommendation**  
**PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/93006

**Officer Recommendation:** Conditional Full Permission

### **Conditions**

1. The development hereby permitted shall be begun before 27 April 2028.  
**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 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 and 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site block plan	2569 01	-	29/10/2025
Proposed plan and elevations	2569 01	-	29/10/2025
Application form	-	-	29/10/2025

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:**

24<sup>th</sup> November 2025