

**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:	2025/70/93149/W
Site Address:	16, Harvey Royd, Almondbury, Huddersfield, HD5 8SP
Description:	Variation of condition 2 (plans) on previous permission 2024/92589 for erection of single and two storey side and rear extensions, with erection of dormers
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 13-Jan-2026

Officer Report

[Website](#)

Site Description

16 Harvey Royd is a two-storey semi-detached property which has finishing materials of render for the walls and tiles for the roof which is located on land without notation within the Kirklees Local Plan. The property has amenity space to the front, side and rear with an outbuilding to the side of the property which is shared with No. 18. The property does not benefit from off-street parking.

The site is located within a residential area where neighbouring properties share a similar design and form.

Description of Proposal

The application is for the variation of condition 2 (plans) on previous permission 2024/92589 for the erection of single and two storey side and rear extensions, with the erection of dormers.

Condition 2 of the 2024/92589 application relates to the plans and details which were approved. It reads as follows:

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.

The application seeks permission under a Section 73 application to vary the approved plans. In this case, the proposed changes to the approved plans are isolated to the dormer openings within the roof slope which would be enlarged. All other details remain unchanged, as previously approved.

History of negotiations/amendments received

Negotiations have taken place with the Agent and applicant with regards to the proposed alterations to the dormers. The scheme, originally submitted to vary condition 2 were not considered to be acceptable due to display flat roofs and were significantly larger than those approved under the 2024 application. Following email correspondence and advice from Officer's, the plans were amended and submitted for consideration on 20th December 2025. As the

amended plans reducing the size and scale of those submitted at the time of the submission of this application, it was not considered that the details were required to be re-advertised.

Relevant Planning History

2020/94082 Erection of single and two storey side and rear extensions
Refused

2021/91160 Erection of single and two storey side and rear extensions
Conditional Full Permission

2024/92589 Erection of single and two storey side and rear extensions, with erection of dormers
Conditional Full Permission granted 11th November 2024

Representations

The application has been publicised in accordance with the Kirklees Development Management Charter which incorporates the legislative requirements for publicity of applications. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 17th December 2025

Parish/ Town Council – not applicable

As a result of the public consultation period one representations have been received with the summary of comments set out below:

- Side elevation built too high and should be reduced
- Has there been an enforcement notice on the works, requiring this application
- If these works are to proceed then the height of the side elevation wall should be no higher than the height of the eaves of the existing building
- The roof should be hipped to match the existing hip on the existing dwelling

The amended plans were considered to make changes to the proposal's design that were reductions of the initially submitted scheme and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

None required

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 site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) of which the following is considered relevant:

Kirklees Local Plan:

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 22 - Parking
- LP 24 – Design

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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.

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

It is important to note that the principle of extending the property has been previously established through the approval of planning application 2024/92589.

The application seeks to enlarge the dormer extensions within the roof space. The dormers would be retained as 2 no. separate identical features. The differences are as follows:

- As approved

Width – 2.1 metres
Height – 1.9 metres
Projection – 3.7 metres

- As proposed

Width – 3.3 metres
Height – 2.3 metres
Projection – 4.2 metres

It is proposed that the dormers would be constructed from composite cladding. No details of the finishing colour have been submitted.

In terms of the visual impact of the scheme, a detailed assessment relating to each element of the proposal i.e. front porch, two storey side extension, two storey rear extension, single storey rear extension and the dormer extension has been carried out under the previous, extant, application and permission. The plans remain unchanged as part of this application with the exception of the dormer extensions. Therefore, these are the only matters for consideration as part of this application.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Dormer extensions

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

The principle of dormer extensions were established under the previous application. It is proposed that the dormer extensions would be increased in size as part of this application. Whilst the roof of the proposed dormers would be shallow pitched due to the increase in width, they would be retained as pitched roof dormers rather than flat roofed dormers which would be considered out of keeping with the resultant dwelling, once extended.

In terms of the scheme in relation to the SPD, the proposed dormer windows would:

- Relate to the appearance of the house, roof and similar to those already approved;
- Would be constructed from composite cladding which is a typical finishing material for such structures, The finishing colour of the dormers can be secured by an appropriately worded condition
- Would not dominate the roof space by ensuring that the roof form can be clearly read and would not project above the ridge of the roof of the house

- Would be set below the roof line

Having taken the above into account, along with the previous approved planning permission under 2024/92589, it is considered that on balance, the increased size of the dormer openings would not cause significant harm to the visual amenity of either the host dwelling or the wider street scene over and above and above the previous approval.

The proposed alterations would comply with the requirements of the SPD above, Policy LP24 of the Local Plan and the aims of Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The impact of the previous scheme and the impact on neighbours from the works has also been assessed as part of the previous scheme. In terms of the dormer extensions in isolation, these were considered to be acceptable. In terms of the revised plans to seek an enlargement to the structures, due to their location within the roof slope, it is not considered that undue harm would occur to the immediate neighbours in terms of overshadowing and/or being overbearing.

In terms of overlooking, as the dormers would be set back from the gutter line where windows within the rear elevation of the extension have already been approved, it is not considered that there would be a significant increase in harm from overlooking.

The proposed alterations would comply with the requirements of Key Design Principles 3, 4, 5 and 6 of the SPD, Policy LP24 of the Local Plan and the aims of Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case the proposed amendments to the dormers would have no greater impact on parking provision or highway safety than that of the original

consent. Therefore the proposal is considered to be acceptable in this regard. The proposals seeks the same level of accommodation as the previous approval and as such the proposal is concluded to meet the requirements of the aforementioned policy in this regard.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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.

Given the nature of the proposal, it is not deemed reasonable to require the applicant to implement specific resilience measures. However, incorporating additional openings in habitable room windows will enhance passive solar gain and reduce reliance on artificial lighting.

6 – Representations:

One representation has been made with the following being a summary of comments and LPA response:

- Side elevation built too high and should be reduced

Response: The side extension to the property was approved under application number 2024/92589. Should the extension not be constructed in accordance with the approve plans, this would be a planning enforcement matter.

- Has an enforcement notice been served leading to this application being submitted.

Response: At the time of writing this report, no enforcement complaints had been logged against the application site

- If these works are to proceed then the height of the side elevation wall should be no higher than the height of the eaves of the existing building

Response: The height of the side elevation wall has been assessed and deemed acceptable as part of the previous scheme which is incorporated into the scheme the subject of this application.

- In addition, the roof should be hipped to match the existing hip on the existing dwelling

Response: The alteration from a hip to gable roof form was considered acceptable as part of the previous scheme.

7 – Review of planning conditions:

The previous application included conditions. There are assessed below:

1. Time limit – this shall be reimposed taking into account the date of the issuing of the previous permission
2. Approved plans – the plans table shall be altered to reflect the plans approved under this application
3. Wall and roofing materials – this shall be reimposed as worded
4. Removal of permitted development rights for additional windows or doors within the ground floor west facing elevation – this shall be reimposed as worded

It is also considered reasonable and necessary to add a condition to ensure that the dormer face and cheeks shall have a dark grey colour finish or be tiles / slates which, in all respects, match those used in the construction of the existing building. This is in the interests of visual amenity.

8 – Conclusion:

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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/93149

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun prior to 10th November 2027.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 and roofing materials of the extensions hereby approved, shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. 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) no doors, windows or any other openings, other than those expressly permitted by this development, shall be created at ground floor within the western facing elevations of the rear extensions hereby approved.

Reason: So as not to detract from the amenities of adjoining and neighbouring properties by reason of loss of privacy and to accord with LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The rear dormer walls and face shall be a dark grey colour finish or be tiles / slates which, in all respects, match those used in the construction of the existing building. The materials of construction and colour finish approved by this condition shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Application	Type	Reference	Version	Date Received
2024/92589	Existing plans and	2009-01		16 th September

Plan Application	Type	Reference	Version	Date Received
2024/92589	elevations			2024
	Location and Site Plans	2009-03A		16 th September 2024
Plan Application	Type	Reference	Version	Date Received
2025/93149	Proposed elevations, floor plans and roof plan	2DIO-GA01		20 th December 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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity of the area.

Report Dated:

12th January 2026

Coal – low