

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:	2026/70/90148/W
Site Address:	583, Bradford Road, Fixby, Huddersfield, HD2 2LA
Description:	Variation of condition 2 (plans) on previous permission 2024/93157 for demolition of existing conservatory, partial demolition of existing garage and erection of single storey extensions to front, side and rear, first floor extension to side, raising of ridge height, two dormer windows to the rear roofslope; application of render and associated external works.
Recommending Officer:	Joanna Rednall

DECISION – VARIATION OF CONDITON 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: 12-Mar-2026

THE SITE

583, Bradford Road relates to a large, two-storey detached property located in Fixby, Huddersfield. The ground floor exterior walls are finished in stone and the first floor is rendered with a concrete tile roof. The property is set within a spacious plot with a large driveway to the front and lawned garden to the rear enclosed by a hedge and fencing. To the side of the dwelling is an integral garage that features a flat roofed dormer above, the property also benefits from a flat roofed dormer to the rear and a white UPVC conservatory. The application site is located on a Primary 'A' Road. To the south of the site is an area of woodland, and the property is predominantly surrounded by residential properties to the north, east and west. Surrounding properties vary in design and scale, however the main materials appear to be stone, brick and render.

THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for variation of condition 2 (plans) on previous permission 2024/93157 for demolition of existing conservatory, partial demolition of existing garage and erection of single storey extensions to front, side and rear, first floor extension to side, raising of ridge height, two dormer windows to the rear roofslope; application of render and associated external works.

Condition 2 of 2024/93157 states the following:

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

The application seeks permission under a Section 73 application to vary the approved plans. The amendments proposed are set out as follows:

Rear extension

The rear extension is proposed to incorporate a flat roof with a roof lantern in place of the previously approved lean-to roof. As a result, the eaves height would increase from 2.88m to 3.38m; however, the overall maximum height would be reduced from 3.6m to 3.4m. The width of the extension would be reduced in width from 12.5m to 9.5m.

East elevation

Under the original approval, a lean-to roof was proposed above the garage door on the front elevation. It is now proposed that this element be replaced with a flat-roofed canopy supported by timber posts. The canopy would extend across the elevation to also provide weather protection over the main entrance. The submitted design statement outlines that this alteration would result in a more functional frontage without increasing the visual prominence of the building.

Roof pitch adjustments

The approved drawings showed roof pitches of 40 degrees on the north-south axis and 35 degrees on the east-west axis. Due to spatial constraints within the attic, it is now proposed that a consistent roof pitch of 40 degrees be used throughout. The height of the roof would be increased by approximately 0.7m.

First floor extension

A first-floor extension is proposed above the approved side extension. The roof of this addition would be hipped back into the main roof.

Materials

It is proposed that the rear dormer be finished in dark weatherboard cladding rather than the previously approved render.

PLANNING HISTORY

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

- 92/01609 – Erection of 2-storey extension and detached garage – Conditional full permission
- 97/92345 – Erection of single storey extension – Conditional full permission

- 2024/93157 – Demolition of existing conservatory, partial demolition of existing garage and erection of single storey extensions to front, side and rear. First floor extension to side, raising of ridge height, two dormer windows to the rear roofslope. Application of render and associated external works. – 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 on the Council's website, and by neighbor notification letter. The expiry date of the publicity period was 18 February.

No representations were received as a result of the publicity.

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION AND POLICIES

The following allocation and policies were considered relevant to the consideration of consent 2024/ 93157:

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design

- LP 30 – Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

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

ASSESSMENT

1. Principle of development

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.

The National Planning Policy Framework has been updated since the determination of the previous application. It is not considered the update of

the NPPF has a significant impact upon the determining issues considered applicable in this case.

Given the 2024/93157 consent required the development to commence within 3 years, and the submitted application form details that development commenced on 1st December 2025 it is considered that in the instance of any approval there is no requirement for a time limit condition (condition no. 1 of the 2024/93157 consent) to be imposed.

The principle of development for the demolition of existing conservatory, partial demolition of existing garage and erection of single storey extensions to front, side and rear, first floor extension to side, raising of ridge height, two dormer windows to the rear roofslope; application of render and associated external works was established under permission 2024/93157. 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.

The determining issues are assessed as follows:-

2. Impact on visual amenity

The NPPF offers guidance within Chapter 12 (Achieving well-design and beautiful spaces) whereby Paragraph 131 provides a principal consideration concerning design which states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Kirklees Local Plan policies LP1 and LP2 and more significantly LP24 also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area and therefore retaining a sense of identity. 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.

Rear extension

The rear extension is proposed to incorporate a flat roof with a roof lantern in place of the previously approved lean-to roof. As a result, the eaves height would increase from 2.88m to 3.4m; however, the overall maximum height would be reduced from 3.6m to 3.4m. The width of the extension would be reduced in width from 12.5m to 9.5m.

Officers consider that the visual impact of the amendment would be limited, with the proposed changes resulting in only modest alterations to the approved scheme. Although the eaves height would increase, the introduction of a flat-roof design means the overall height would be reduced compared with the previously approved lean-to roof. A roof lantern would be incorporated within the flat roof, but this feature would sit comfortably within the proposed form and would not materially increase the building's massing. The overall size, scale and footprint would remain broadly consistent with the approved development and would continue to comply with the design principles set out in the Council's Extensions SPD. Existing walling materials would be retained, ensuring continuity with the host dwelling.

While a flat roof can, in some circumstances, be considered less sympathetic to the character of a traditional dwelling, in this case the design is positioned to the rear of the property, where public views are limited. The change would therefore have minimal effect on the streetscene or wider visual amenity. Given the reduced overall height, the limited visibility, and the consistency with the previously approved scale, officers consider that the amended design sought under this application would have been acceptable at full application stage. Therefore, taking the above into account, the proposal is not regarded as giving rise to any visual harm, and it is considered to respect the character and appearance of both the host property and the surrounding area.

East elevation

Under the original approval, a lean-to roof was proposed above the garage door on the front elevation. It is now proposed that this element be replaced with a flat-roofed canopy supported by timber posts. The canopy would extend across the elevation to also provide weather protection over the main entrance.

This alteration is modest in scope and would introduce a flat-roof canopy over the front door and a flat-roofed design to the front garage, without changing the garage's existing footprint. The resulting addition would form a small, single-storey element that sits comfortably within the established building line.

Because it does not project beyond the current built form, its visual impact would be limited.

The design is consistent with the more contemporary approach proposed elsewhere on the property and would not detract from the character of the original dwelling. The front of the site is also well screened from wider public viewpoints, and the surrounding street is characterised by dwellings of varied design and form. In this context, the proposal would not appear incongruous or intrusive.

Given its scale, siting, and relationship with the host property, officers consider that this amendment would have been acceptable at full planning application stage. It is therefore regarded as having an acceptable impact on visual amenity and would not harm the character or appearance of the street scene.

Roof pitch adjustments and first floor extension

The approved drawings showed roof pitches of 40 degrees on the north-south axis and 35 degrees on the east-west axis. Due to spatial constraints within the attic, it is now proposed that a consistent roof pitch of 40 degrees be used throughout. The ridge height of the host property would be increased by 0.7m. This would not appear overbearing in scale or result in a form which would appear at odds with the host.

The first floor extension is proposed above the approved side extension, measuring around 5.5m to the eaves, 7.9m to the ridge, 1.8m in width and 4.2m in depth. The extension is set around 4.5m back from the front elevation of the host and is designed with a hipped roof. The extension is finished in render with a blue slate tile roof to match the materials of the host.

The scale and form of the first-floor extension would read as a clearly subservient addition to the host dwelling. Its limited width and depth, combined with a set-down ridge line, ensure that it remains visually secondary and does not compete with the proportions of the original roof. The extension is positioned well back from the principal elevation, which further reduces its prominence when viewed from the street and results in an addition that appears noticeably smaller and recessive in relation to the main house.

The proposal would utilise matching external materials, ensuring continuity with the existing building and helping the extension integrate with the established character of the dwelling. This material consistency, combined with the modest scale and recessed siting, means the extension would not

disrupt the architectural rhythm of the property or introduce any visually intrusive elements.

Taken together, these factors indicate that the first-floor extension would preserve the appearance of the host dwelling, maintain an appropriate balance between original and new built form, and avoid any adverse impact on the wider streetscene. This extension would also have been considered visually acceptable if it was included within the original planning application in this case.

Materials

It is proposed that the rear dormer be finished in dark weatherboard cladding rather than the previously approved render. These materials would differ from those on the host property, but their use is considered acceptable given the specific context of the proposal. The dormers are proposed to the rear of the dwelling, where visibility from public vantage points is limited. As a result, the change in material would not materially affect the character of the streetscene or the wider area. This conclusion is drawn given the use of blue slate tiles to the roof and it is considered the proposed materials to the dormer cheeks and face would suitably integrate with the design of the dwelling.

Within the rear roofscape, weatherboard cladding would sit more discreetly than a cream-coloured render, reducing contrast and helping the extension blend more effectively with the surrounding roof plane. The choice of material therefore softens the visual impact of the addition and avoids introducing a stark or visually dominant element.

Overall, although the materials do not replicate those of the host dwelling, their location, subdued appearance, and limited visibility ensure that they would not result in harm to visual amenity or the character of the property.

The proposed amendments are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”.

Furthermore, paragraph 135 of the NPPF requires that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 585, Bradford Road

The neighbouring property at No. 585 is located to the north of the application site. It is considered that the only aspect of the proposal with potential to affect this neighbour is the first-floor extension. This element would be constructed adjacent to the shared boundary and would introduce additional massing at first-floor level. However, the submitted elevations indicate the presence of an existing hedge of approximately 3 metres in height along the boundary, which would screen the majority of the single-storey side extension and limit some degree of overbearing of the first floor element when viewed from No. 585.

The primary private amenity space serving No. 585 appears to be located to the rear of that property. In this context, the additional built form at No. 583, while closer to the boundary, is not considered to result in an unduly overbearing or oppressive relationship for the occupiers of No. 585. The part of No. 585 that lies closest to the shared boundary comprises a single-storey garage, and the nearest main windows are set back by approximately 9 metres from the position of the proposed first-floor extension. This separation distance, together with the existing boundary screening, would help to mitigate any undue overbearing, overshadowing, or oppressive impacts.

Furthermore, no windows are proposed in the side elevation of the extension facing No. 585. As such, the development would not introduce any direct overlooking of the neighbouring dwelling or its principal amenity space, nor would it result in any harmful loss of privacy.

Taking these factors together including the boundary screening, the relationship to the neighbour's main amenity area, the separation to habitable room windows, and the absence of side-facing openings, it is considered that the proposal would have an acceptable impact on the residential amenity of No. 585.

Impact on 670, Bradford Road

This neighbour is opposite the application site. Due to the 40+ metre separation distance between these two dwellings, the proposed development is not considered to cause detriment to the amenity of occupiers of No.670. It has been assessed that no overlooking / overshadowing / loss of privacy impacts would occur as a result of the development.

Impact on 9, Cumberland Avenue

This neighbour is located to the rear of the application site. There are no new openings proposed to the rear, and it is considered there would be no new impacts with regard to overlooking, overbearing, or overshadowing.

4. Impact on Highway Safety

The changes proposed to the approved plans would not intensify the domestic use 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

Review of Conditions

As the application is a Section 73 application to vary conditions, it is necessary to re-impose all conditions which remain relevant.

Condition no.1 (time limit) would not be re imposed given the fact the development has begun.

Condition no.2 (plans list) would remain as worded, the plans list upon the decision notice would reflect the plans so considered as part of this application.

Condition no.3 (materials) this relates to render and roofing materials and is recommended to remain as worded. The materials of construction of the dormer, whilst not referenced within the condition are controlled by the requirement of the development to be undertaken in accordance with the submitted plans.

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since the 2024 consent (2024/93157). 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 and all informative notes imposed on the 2024 consent (2024/93157) being re-imposed on this Section 73 application the proposal is acceptable.

It is therefore concluded that 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 application 2024/93157.

Approval is recommended.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2026/90147

Officer Recommendation: Approve

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 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
2. The external render walls of the development hereby approved shall be of a white or cream colour finish with any slates/tiles used in the construction of the roof of the development matching those used in the construction of the existing roof in all respects. The materials of construction and colour finishes approved by this condition shall be thereafter retained for the lifetime of the development.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations

Supplementary Planning Document and policies within 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 2017. 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.

Plans and specifications schedule:-

Plan Type submitted as part of application 2024/93157	Reference	Version	Date Received
Location Plan			06/11/2024
Existing Plans and Elevations	2346 01	-	06/11/2024
Block Plan		-	06/11/2024
Application form	-	-	06/11/2024
Design and Access Statement dated October 2024		-	06/11/2024
Climate Change Statement	-	-	06/11/2024
Plan Type submitted as part of application 2026/90148			
Proposed Plans and Elevations	234602RevA	02A	19/01/2026
Design and Access Statement	-	-	19/01/2026
Application form	-	-	19/01/2026

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 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.