KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2026/62/90493/W**
Site Address:	50, Brougham Road, Marsden, Huddersfield, HD7 6BJ
Description:	Erection of rear dormer with loft conversion (within a Conservation Area)
Recommending Officer:	Joanna Rednall

DECISION – CONDITIONAL FULL PERMISSION

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: 18-May-2026

2026/90493

50, Brougham Road, Marsden, Huddersfield, HD7 6BJ

The Site

50 Brougham Road is a two-storey mid-terrace dwelling located in Marsden, Huddersfield. The property is constructed in stone with a tiled roof and forms part of a uniform terrace where buildings share similar architectural characteristics and proportions. The site is situated approximately 0.2km from Marsden District Centre. The dwelling does not benefit from any off-street parking provision to the front, although it does include a lawned rear garden.

There are no listed buildings in the immediate vicinity of the site; however, the property lies within the Marsden Conservation Area.

The Proposal

The applicant is seeking planning permission for erection of rear dormer with loft conversion (within a Conservation Area).

The dormer is designed with a pitched roof and one window to the front. The measurements of the dormer are as follows:

- 3m width
- 1.6m eave height
- 2.4m ridge height
- 4m depth

The dormer cheeks and face are finished in uPVC cladding in anthracite grey and the roof is finished in slates to match the host.

Internally, the dormer serves a home office.

One rooflight is proposed to the front roof plane of the original house.

History of Negotiations

Amendments were sought to reduce the scale of the dormer and to change the design to incorporate a pitched roof in the interests of visual amenity and following comments from the Council's Conservation and Design Team. Amended plans were received 5 May and the application has been progressed to determination on the basis of these.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice and a press notice as affecting the setting of a Conservation Area.

Final publicity date expired: 12 April 2026.

No representations were received as a result of the publicity. The amended plans were not re-publicised as these did not fundamentally change the development applied for.

Parish/ Town Council Comments

N/A.

Consultations

KC Conservation and Design (informal): The initial submission raised concerns regarding the scale and design of the proposed dormer. Following the submission of amended plans, which now show a slimmer, pitched-roof dormer of reduced massing, officers remove their previous objection to the scheme.

Allocation & Policies

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 within the Strategic Green Infrastructure Network and Conservation Area as identified within the Kirklees Local Plan. The site also falls within flood zone 2 as identified by the Environment Agency, and an area with a known presence of bats.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping

LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP27 Flood risk
LP30 Biodiversity
LP35 Historic Environment

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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16th December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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
Chapter16 – 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).

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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

Assessment

1 – Principle of development:

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".

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon visual amenity (including impact upon the Conservation Area)

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

The application site is located within Marsden Conservation Area. Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 214 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

The application seeks planning permission for the erection of a rear dormer in association with a loft conversion. The revised dormer design incorporates a pitched roof finished in dark grey cladding, with roof tiles to match the host property. The proposed window aligns with existing openings on the rear elevation, ensuring a coherent arrangement when viewed in the context of the host.

KC Conservation and Design were verbally consulted during the assessment process. The original submission proposed a wider, flat-roofed dormer, and officers raised concerns regarding its scale and form. Although positioned on the rear elevation, the dormer would have been visible from public viewpoints, including from Crowther Bruce Mill Road to the west. Its bulk and design were considered to detract from the character and setting of the Marsden Conservation Area, resulting in less than substantial harm. In line with the NPPF, officers concluded that the private benefits of additional internal accommodation would not outweigh this identified harm.

Amended plans were subsequently submitted by the applicant's agent. These plans show a reduction to the dormer width to approximately 3m and introduce a pitched roof that reflects the form of the host dwelling. KC Conservation and Design consider the revised proposal to be more balanced, proportionate, and in keeping with the existing roofscape. The amended design retains a substantial proportion of the rear roof slope, ensuring the dormer reads as a subordinate addition and does not dominate the building. The dormer would be finished in grey cladding with roof materials matching the host dwelling, and these details can be secured by condition. This will ensure the colour and material finishes remain sympathetic to the existing roofscape and prevent the addition from appearing visually intrusive or out of

character within the Conservation Area. With the amended, reduced-width and pitched-roof design, the proposal is now considered to have an acceptable impact on both the host property and the character of the Conservation Area.

A single rooflight is also proposed on the front elevation to serve the loft conversion. This is a modest addition that preserves the majority of the front roof plane and would not appear visually intrusive within the wider streetscape. A condition requiring a conservation-style rooflight is recommended to ensure an appropriate appearance within the Conservation Area.

Taking the above into account, it is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 and LP35 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

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 House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*
- Principle 4 – 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."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The small scale of the proposed development means it is not expected to give rise to harmful levels of overshadowing, overbearing impact, or loss of light for neighbouring properties. The scheme introduces two new openings: a front rooflight and a rear dormer window. The front rooflight would sit flush within the roof plane and, due to its angle and position, would not result in direct overlooking of neighbouring dwellings.

The rear dormer window would be located at second-floor level; however, its outlook is directed over the host property's rear garden. Given the terraced form of development along Brougham Road, there is already an established pattern of mutual overlooking between rear elevations and rear amenity spaces. Although the dormer is positioned at a higher level, this relationship is characteristic of the surrounding built form and is not considered to introduce an unacceptable degree of overlooking or loss of privacy to neighbouring occupiers.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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 proposed development would serve an existing dwelling increasing the extent of usable floor space. Existing parking for dwellings in the locality is such that on street parking is the predominant arrangement. The additional floor space is not considered to add additional floor space to such a degree that it is likely to lead to a significant increase in on street parking as a result and refusal on such a basis is not considered able to be substantiated in this case.

It is also noted that existing bin storage arrangements would not be affected by the development, which is therefore considered to comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, it is considered an appropriate approach in this case that an informative note be provided, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward. This approach is considered to be proportionate in this case given the scale of the proposal and nature of the development to mid terraced roof slope where access into the roof space for bats appears to be limited.

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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Drainage and Flood Risk

Key design principle 14 of the House Extensions and alterations SPD requires that extensions and alterations should ensure that all new developments are resilient and resistant to flood risk.

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

The site, falling in flood zone 2, is within an area identified as having an increased chance of flooding. Non domestic extensions which are 250m^2 or less are not required to undertake a site specific flood risk assessment and instead can follow the Environment Agencies standing advice. In this case the

applicable standing advice would be that floor levels remain no lower than those of the existing building, that would be the case with regard to the proposed development. The proposal is therefore concluded to be acceptable having regard to the fact the site is within flood zone 2 and taking account of the policies within chapter 14 of the NPPF.

6 – Representations:

None received

7 – 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: 2026/90493

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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, LP27, LP30 & LP35 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, 14 & 16 of the National Planning Policy Framework.

3. The external walls of the rear dormer hereby approved shall be a dark grey finish with the external roofing materials in all respects matching those used in the construction of the host dwelling. 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 & LP35 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 and 16 of the National Planning Policy Framework and pursuant to the requirements of S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The rooflight hereby approved shall be Conservation style or similar and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. The rooflights approved by this condition shall be retained thereafter.
Reason: In the interest of preserving the heritage value of the Conservation area, in accordance with the requirements of Policy LP35 of the Kirklees Local Plan Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
As Existing	50BR/P01	-	25/02/2026
As Proposed	50BR/P02	A	05/05/2026
Heritage and Design & Access Statement for 50 Brougham Road, Marsden, HD7 6BJ	-	-	25/02/2026
Flood Risk Assessment Tick Sheet	-	-	26/02/2026
Application form	-	-	25/02/2026
Climate Change Statement	-	-	25/02/2026

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. Amendments were sought to reduce the scale of the dormer. Amended plans were received 5 May which were considered acceptable, and the application has been progressed to determination on the basis of these.

No coal