

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:	2026/70/90683/W
Site Address:	14, Edgerton Road, Edgerton, Huddersfield, HD1 5RB
Description:	Variation of condition 2. (plans) on previous permission no. 2025/92383 for erection of rear and side dormers with rooflights at front and flat roof centrally (within a Conservation Area)
Recommending Officer:	Joshua Merriman

DECISION – APPROVE VARIATION OF CONDITION 2

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-May-2026

Officer Report – 2026/90683

Site Description

Site description 14 Edgerton Road, is a two storey traditional dwelling, constructed from stone. Its design takes its inspiration from the 16th century, when English architecture was influenced by both French and Flemish styles and existing English traditions. To the front of the property, is a driveway and an area of hardstanding, with a wrap around garden to the side and rear. To the South West of the main dwelling is a detached flat roof double garage. Boundary treatment consists of stone walling, timber fencing and hedging.

The site is set within a predominantly residential area and is adjacent to a number of Listed Buildings. The property is also located within Edgerton Conservation Area on the Kirklees Local Plan. The trees within the site are mainly protected by the Conservation Area, with one TPO being situated along the sites frontage.

Description of Proposal

The Scheme

The applicant is seeking permission for Variation of condition 2. (plans) on previous permission no. 2025/92383 for erection of rear and side dormers with rooflights at front and flat roof centrally (within a Conservation Area).

The variation would see the property's chimneys rebuilt to ensure they are structurally sound, and the provision of one rooflight to the North West elevation.

The previous conditions 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

Officers have requested the reinstatement of the originally approved flat roof in scale, the removal of the proposed glass triangular roof item, and retaining the height of the existing chimneys by rebuilding them rather than decreasing their height.

Relevant Planning History

The most relevant planning history relates to the following planning applications

86/00675 – Extension to form conservatory (within Conservation Area) – Granted Conditionally.

86/00676 – Listed Building Consent for erection of extension to form conservatory (Unlisted Building within curtilage of Listed Building within Conservation Area) – Consent Granted.

2020/90246 – Certificate of lawfulness for proposed erection of single storey side extension and rear dormer window (within a Conservation Area) – Cert of Lawful Opps Refused.

2020/90989 – Erection of dormers and alterations (within a Conservation Area) – Refused.

- The proposed flat roof dormer by reason of its scale, spanning a large section of the roof of the host dwelling and flat roof design, would form an incongruous addition to the host dwelling, which would be widely viewed from Edgerton Road and the wider Edgerton Conservation Area. The proposal would therefore cause detrimental harm to the character and appearance of Edgerton Conservation Area and the setting of the surrounding Listed Buildings.

2024/92537 – Work to trees within a Conservation Area – Granted.

2025/92383 - Erection of rear and side dormers with rooflights at front and flat roof centrally (within a Conservation Area) – Conditional Full Permission.

Representations

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

The application has been publicised as affecting the setting of a listed building, affecting the setting of a conservation area, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 19/04/2026.

Consultation Responses

KC Conservation & Design (Informal) – The rebuilding of the existing chimneys would be preferred as they are a primary to the character of the property, moreover, the use of a visible central flat roof and glass roof item are considered unacceptable due to the visual harm and harm to the character of the dwelling.

Relevant amendments have been made to address these comments.

Allocation and Policy

The application site is unallocated within the Kirklees Local Plan (adopted 2019).

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

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- 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 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 16 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.

Chapter2	Achieving sustainable development
Chapter12	Achieving well-designed places
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment
Chapter16	Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

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

- The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

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
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. 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.

The principle of development for the erection of rear and side dormers with rooflights at front and flat roof centrally (within a Conservation Area) was established under permission 2025/92383. As such, it is considered that the principle of 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.

As the chimneys will be conditioned to be rebuilt as existing, and there are existing roof lights on the dwelling, it is considered that the proposed amendments will not be significantly out of character for the building, and are thus acceptable regarding visual amenity.

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.

Given the limited scale of the development, and adequate distance between the proposal and neighbouring properties, it is considered that there will be no significant impacts regarding overshadowing, overbearing, light or outlook because of this development.

Neighbouring properties are also considered an adequate distance away from changes to the application property to have no significant impact upon privacy or overlooking.

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 2025/902383 permission. As the scale of the development would not be significantly increased under this variation of condition, and the same arrangements would be retained, 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. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is 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 roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included 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. Subject to informative the proposal is considered to be acceptable in this regard.

7. Representations

No representations have been received.

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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation
PERMISSION

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/90458

Officer Recommendation: Conditional Full Permission

1. The development hereby permitted shall be begun no later than 20th October 2028.
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 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.

3. The face and cheeks of the dormers hereby approved shall be faced in vertically hung tiles which shall in all respects match those used in the construction of the existing building. The dormers shall thereafter be retained with this finish.

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 & 16 of the National Planning Policy Framework.

4. Notwithstanding the approved plans, the approved roof lights shall be of a low-profile, conservation-style design. The roof lights shall thereafter be retained in this approved finish.

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 & 16 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 42 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 2025/92383	Reference	Version	Date Received
Climate Change Statement	-	-	26/08/2025
Design and Access Statement	-	-	26/08/2025
Conservation/Heritage Assessment	-	-	26/08/2025

Plan Type Submitted as Part of Application 2026/90683	Reference	Version	Date Received
Location and Block Plan	100	-	10/03/2026
Existing Elevations	103	A	10/03/2026
Proposed Elevations	102	C	10/03/2026
Existing and Proposed Attic	101	D	10/03/2026
Existing and Proposed Roof	104	D	10/03/2026
Application Forms	-	-	10/03/2026
Cover Letter	-	-	10/03/2026
Heritage Cover Letter	-	-	10/03/2026

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. Officers requested the reinstatement of the originally approved flat roof in scale, the removal of the proposed glass triangular roof item, and retaining the height of the existing chimneys by rebuilding them rather than decreasing their height.

Report Dated: 01/05/2026