

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:	2026/70/90808/W
Site Address:	Cellars Clough House, Manchester Road, Marsden, Huddersfield, HD7 6LY
Description:	Variation of conditions 2 (plans) , 3 (materials), 4 (roof use only) and 5 (land stability works) on previous permission 2023/92557 for erection of single storey side extension with terrace above and associated alterations
Recommending Officer:	Danielle Cooper

DECISION – Variation of Conditions - 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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 20-Jul-2026

Officer Report

2026/90808

Site Description

Cellars Clough House, Manchester Road, Marsden, Huddersfield, HD7 6LY

Cellars Clough House is a two-storey detached property located in Marsden, Huddersfield. The external walls of the property are faced in stone and the roof is infilled with slate tiles. Within the wider curtilage of the site, the property benefits from a three-storey detached building ('Cellars Clough House') which was an original carriage house and a single storey outbuilding to the west of the main dwelling. The site benefits from an extensive extent of outdoor amenity space and on-site parking area.

The property is located off Manchester Road, set to a lower topographical ground level, with gated access to the driveway.

Description of Proposal

The application has been received to vary conditions 2 (plans) , 3 (materials), 4 (roof use only) and 5 (land stability works) on previous permission 2023/92557 for erection of single storey side extension with terrace above and associated alterations.

Condition 2 of previous permission 2023/92557 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD, and Chapters 2, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework."

Due to technical requirements, the height of the approved extension is proposed to be increased by 350mm. It is also proposed to increase the roof length of the approved extension by 1.8m to allow further height of the pool area.

It is also proposed to have metal coping along the proposed lining of the proposed flat roof element of the proposal to match the zinc roof as approved. The side and rear elevation of the pitched roof extension will also be constructed from rough coursed stone and a sample has been shown on the submitted revised elevation plans.

Condition 3 of previous permission 2023/92557 reads as follows:

“3. The materials of construction of the development hereby shall be in accordance with those set out within submitted plans L (-4)021, L-4)011, L(-4)031 and thereafter retained.

Reason: *In the interests of visual amenity and to accord with Policies LP2, LP24 and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.”*

Due to the proposed alterations as explained above, new proposed elevation plans have been submitted and as such the plans identified within condition 3 require updating.

Condition 4 of previous permission 2023/92557 reads as follows:

“4. The area annotated green upon submitted drawing L(-1)011 shall be used as a roof only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

Reason: *To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.”*

Due to the proposed alterations as explained above, a new proposed site plan has been submitted and as such the plan identified within condition 4 requires updating.

Condition 5 of previous permission 2023/92557 reads as follows:

“5. All works hereby approved that relate to land stability shall be undertaken in accordance with the details as submitted in Dwg Numbers. 001 Rev O, 002 Rev F and 003 Rev B and the details as contained within the Ground Investigation Report - Geotechnical by GeoAssist Limited (ref: 6018/CCZ-G v1.0) which shall be retained thereafter.

Reason: In the interests of visual amenity, preserving openness of the green belt, residential amenity and land stability to accord with policies LP24, LP28, LP53 & LP57 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.”

Condition 5 requires that all works relating to land stability be carried out in accordance with the details originally submitted. Since the application was approved, however, a new geotechnical consultant has been appointed who has proposed an alternative slope-stabilisation design to that previously approved. It is therefore requested that the drawing and document references cited in the condition be amended to refer to the new documents submitted by the Geotechnical Consultant, which reflect the updated design.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants.

The proposal description was updated to include the variation of condition 3 & 4 as conditions would require rewording also to reflect the proposed alterations.

A proposed site plan and lower ground floor plan was also requested to be submitted to reflect the proposed changes. Revised elevation drawings were received to reflect the proposed material change of the approved extension.

Relevant Planning History

2023/92557 - Erection of single storey side extension with terrace above and associated alterations – Approved

89/03495 – Rehabilitation of dwelling and conversion of adjacent loft/carriage house to form extension to dwelling – Approved

Representations

Final publicity date Expires:

The application was advertised by site notice and the press. Final expiry date for the publicity was the 23rd May 2026.

No representations have been received.

Consultation Responses

None.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located upon classified Green Belt land in the Kirklees Local Plan.

The application site is located within an area with a known presence of bats.

Kirklees Local Plan (LP):

LP1 – Achieving Sustainable Development

LP2 – Place Shaping

LP21 – Highway Safety

LP22 – Parking Provision

LP24 – Design

LP30 – Biodiversity & Geodiversity

LP51 – Protection and Improvement of Local Air Quality

LP57 – The Extension, Alteration or Replacement of Existing Buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision-Making

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 13 – Protecting Green Belt Land

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Other Material Considerations:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD

Assessment

The following matters are considered in the assessment below –

- 1) Principle of Development and Green Belt
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

Variation of condition:

1 – Principle of development and green belt:

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The

dimensions of sustainable development will be considered throughout this assessment.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

The site is located within the Green Belt on the Kirklees Local Plan and the submission notes that the original planning approval was for the erection of single storey side extension with terrace above and associated alterations. As such Policy LP57 regarding the extension, alteration or replacement of existing buildings is specifically relevant in addition to policy contained within Chapter 13 of the NPPF and paragraph 154c (the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building) & paragraph 154h(engineering operations) of the NPPF.

The principle of the approved extension and terrace within the Green Belt has already been established under application 2023/92557.

Due to technical requirements, the height of the approved extension is proposed to be increased by 350mm. It is also proposed to increase the pitched roof length of the approved extension by 1.8m to allow further height of the pool area.

The approved extension represents a total increase of 37.85% over the volume of the original dwellinghouse. While the proposed increase in roof height and the extended pitched roof would add further volume to the extension at Cellars Clough House, these alterations are considered modest in scale. Consequently, the proposal is not regarded as resulting in disproportionate additions over and above the size of the original dwellinghouse and therefore constitutes appropriate development within the Green Belt, complying with Kirklees Local Plan policy LP57 and chapter 13 of the NPPF.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration

concerning design which states: “The creation of high-quality 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.”

Paragraph 130 of the NPPF is of relevance, in particular the following parts: -

- ‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’
- ‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’

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

LP24 states that proposals should promote good design by ensuring:

- ‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’
- ‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.3 of the House Extensions and Alterations SPD refers specifically to side extensions, with paragraph 5.17 setting out that single storey side extensions should:

- not extend more than two thirds of the width of the original dwellinghouse
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

Due to technical requirements, the height of the approved extension is proposed to be increased by 350mm. It is also proposed to increase the

pitched roof length of the approved extension by 1.8m to allow further height of the pool area. The proposed increase in scale to the approved extension is considered modest and as such there are no visual concerns in regard to the design and scale of the proposed extension. It is also noted that the majority of built form of the extension will be set back from the principal elevation and remain a subservient addition to the host dwelling.

In addition, it is also proposed to have metal coping along the proposed lining of the proposed flat roof element of the proposal to match the zinc roof as approved. The side and rear elevation of the pitched roof extension will also be constructed from rough coursed stone and a sample has been provided on the submitted revised elevation plans. The Local Planning Authority (LPA) consider the change in materials as explained will respect the character and materials of the host building and are therefore acceptable ensuring the visual amenity of the proposed extension and host building are protected.

For all the reasons outline above and as set out within the original application, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, Policies LP24 and LP57(d) of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

Section 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 130 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 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 proposed alterations to the approved extension are as follows:

- Increased roof pitch of the approved extension by 350mm.
- Increased roof pitch length over the approved extension by 1.8m

The buildings of Cellars Clough and The Old Coach House lie to the north-east of the site. Although the application site sits at a higher

topographical level, the proposed 350mm increase in roof pitch height and increased pitched roof length of the approved extension is modest, and the extension remains single-storey in form.

Given its limited scale, combined with a minimum separation distance of approximately 12 metres from the neighbouring buildings, it is not considered that the proposal would give rise to any undue overbearing or overshadowing impacts.

For these reasons, the proposed development is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD.

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 and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed alterations will not intensify the use of the site, nor would it reduce the existing levels of on-site parking, or existing access to and from the highway of Manchester Road. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

The proposed development would therefore appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5 – Other matters:

Climate Change/Bats

Matters relating to climate change and bats have been assessed under planning approval: 2023/92557 and as such no further consideration is required.

Land stability

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan.

Paragraph 197 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The proposal would see the building up of an existing, partially collapsed, land bank.

Condition 5 of the original permission requires that all works relating to land stability be carried out in accordance with the details originally submitted. Since the application was approved, however, a new geotechnical consultant has been appointed who has proposed an alternative slope-stabilisation design to that previously approved. It is therefore requested that the drawing and document references cited in the condition be amended to refer to the new documents submitted by the Geotechnical Consultant, which reflect the updated design.

It is considered that the new details provided demonstrate that the proposal has an acceptable impact in regard to how this land will be built up and restored, including with regard to surface water drainage and completed land levels. As such, condition 5 of the original permission will be amended to ensure the works to be carried out are in accordance with the submitted documents:

Typical Slope Sections GSL3324_GDR_DWG001 A
Plan of Proposed Works GSL3324_GDR_DWG002 A
Geotechnical Design Report GSL_3324_GDR_001_Rev3

Subject to the inclusion and amendment of condition 5, the proposal is considered acceptable with regard to land stability.

6 – Representations:

None.

7 – Conditions:

As this is a S73 (variation of condition) application, a review of all conditions upon the original consent is required to be undertaken. The following conditions were added to the previous permission 2023/92557:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

This condition shall remain as worded.

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.

This condition shall remain as worded, however the plans table will be updated to ensure the development is constructed in accordance with the proposed amendments.

3. The materials of construction of the development hereby shall be in accordance with those set out within submitted plans L(-4)021, L(-4)011, L(-4)031 and thereafter retained.

This condition will be amended to reflect the updated proposed elevation drawings as follows:

The materials of construction of the development hereby shall be in accordance with those set out within submitted plans L(-4)021 rev 01, L(-4)011 rev 01, L(-4)031 rev 01 and thereafter retained.

4. The area annotated green upon submitted drawing L(-1)011 shall be used as a roof only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

This condition will be amended to reflect the updated proposed elevation drawings as follows:

The area annotated green upon submitted drawing L(-1)011 rev 01 shall be used as a roof only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

5. All works hereby approved that relate to land stability shall be undertaken in accordance with the details as submitted in Dwg Numbers. 001 Rev O, 002 Rev F and 003 Rev B and the details as contained within the Ground Investigation Report - Geotechnical by GeoAssist Limited (ref: 6018/CCZ-G v1.0) which shall be retained thereafter.

This condition will be amended to reflect the updated information and drawings as follows:

All works hereby approved that relate to land stability shall be undertaken in accordance with the details as submitted in in documents ref:

GSL3324_GDR_DWG002 rev A and GSL3324_GDR_DWG001 rev A, and the details as contained within the Geotechnical design report, by GroundSolve Ltd (ref: GSL_3324_GDR_001_Rev3) which shall be retained thereafter.

7 – Conclusion:

This application for variation of conditions 2 (plans) , 3 (materials), 4 (roof use only) and 5 (land stability works) on previous permission 2023/92557 for erection of single storey side extension with terrace above and associated alterations at Cellars Clough House, Manchester Road, Marsden, Huddersfield, HD7 6LY, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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.

As set out above, 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 it is, therefore, recommended for approval.

Recommendation: Approve.

Decision Authorisation - Delegated Powers

Application Number: 2026/90808

Officer Recommendation: Approve.

Conditions and Reasons:

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.

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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD, and Chapters 2, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3)The materials of construction of the development hereby shall be in accordance with those set out within submitted plans L(-4)021 rev 01, L(-4)011 rev 01, L(-4)031 rev 01 and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

4)The area annotated green upon submitted drawing L(-1)011 rev 01 shall be used as a roof only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

5)All works hereby approved that relate to land stability shall be undertaken in accordance with the details as submitted in documents ref:

GSL3324_GDR_DWG002 rev A and GSL3324_GDR_DWG001 rev A, and the details as contained within the Geotechnical design report, by GroundSolve Ltd (ref: GSL_3324_GDR_001_Rev3) which shall be retained thereafter.

Reason: In the interests of visual amenity, preserving openness of the green belt, residential amenity and land stability to accord with policies LP24, LP28, LP53 & LP57 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 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 2010. 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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: The application site is not located in a coal risk area.

NOTE: With regard to land stability, it is brought to the applicant / developers' attention that responsibility for securing a safe development rests with the developer and/or landowner.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
<i>Approved under application ref: 2023/92557</i>			
Location Plan	-	-	29/08/23
Existing North and East Elevations	L(-4)010	-	29/08/23
Existing South and West Elevations	L(-4)020	-	29/08/23
Existing Site/Block Layout	L(-1)010	-	06/09/23
Existing Ground Floor Plans	L(-02)020	-	29/08/23
Existing Lower Ground Floor Plans	L(-2)010	-	29/08/23
Climate Change Statement	-	-	06/09/23
Site Plan & Sections	001	O	07/11/23
Embankment Reconstruction Work Proposed Site Plan	002	F	07/11/23
Embankment Restoration Work Sections & Details	003	B	07/11/23
Gabion Wall 1 Section AA Gabion Analysis Input Data	-	-	07/11/23

Section AA Gabion Analysis Input Data	-	-	07/11/23
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Proposed South and West Elevations	L(-4)021	01	03/07/26
Proposed North and East Elevations	L(-4)011	01	03/07/26
Proposed West (b) Elevations	L(-4)031	01	03/07/26
Proposed Site/Block Layout	L(-1)011	01	12/05/26
Proposed Floor Plans	L(-2)011	01	15/05/26
Proposed Roof Plan	L(2)021	01	24/03/26
Typical slope sections	GSL3324_GDR_DWG001	A	12/05/2026
Plan of Proposed Works	GSL3324_GDR_DWG002	A	12/05/2026
Geotechnical Design Report	GSL_3324_GDR_001	3	12/05/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

The proposal description was updated to include the variation of condition 3 & 4 as conditions would require rewording also to reflect the proposed alterations.

A proposed site plan and lower ground floor plan was also requested to be submitted to reflect the proposed changes. Revised elevation drawings were received to reflect the proposed material change of the approved extension.

