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:	**2026/70/91000/E**
Site Address:	44, Fall Lane, Hartshead, Liversedge, WF15 8AR
Description:	Variation of condition 2 (plans) on previous permission 2025/92323 for demolition of existing garage and erection of replacement detached garage and two storey side extension
Recommending Officer:	Faiza Bano

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 20-Jul-2026

Officer Report

Variation of condition 2 (plans) on previous permission 2025/92323 for demolition of existing garage and erection of replacement detached garage and two storey side extension.

Site

The site to which this application related to is 44, Fall Lane, Hartshead, Liversedge, WF15 8AR; a detached gable fronted bungalow, with accommodation in the roof space, constructed from brick and is roofed with concrete tiles. The site benefits from a garden surrounding the site, with parking available in-curtilage and on street. The property is situated within a residential area and the street scene encompasses several dwellings of a similar and mixed character appearance and scale.

Description of Proposal

Amendments from the original drawings include the following:

The current application seeks to vary Condition 2 (approved plans) to allow for the repositioning of the garage door, the lowering of the garage by approximately 1.6m and an increase in wall height to 3m. The application form confirms that the roof pitch would remain unchanged at 20 degrees.

History of Negotiations

N/A

Representations

The application was advertised on the Kirklees Website and by site notice which expired on the 22nd of May 2026.

No comments received.

Consultations

None.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 proposals maps.

Kirklees Local Plan:

- LP 01 – Achieving sustainable development
- LP 02 – Place shaping
- LP 21 – Highways and Access
- LP 22 - Parking
- LP 24 – Design
- LP 53 – Land Contamination

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, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. NPPF relevant chapters:

- Chapter 2 – Achieving sustainable development.
- Chapter 4 – Decision Making
- Chapter 12 – Achieving well-designed places.
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conserving and enhancing the natural environment.

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.

Assessment

The proposed variations to the previously approved plans are set out in full above, within the 'Description of Proposal' section of the report.

The proposal would retain the same level of off-street parking as that of the approved scheme, in addition the impact upon climate change and land quality would be the same as that of the approved scheme. Therefore, it is considered that the key determining issues in the consideration of this application are the impact of the amendments upon visual amenity and also residential amenity. These are assessed as follows:

Impact on character and appearance of the 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 neighboring 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.

The repositioning of the garage door is a minor amendment which would not materially alter the appearance of the building within the street scene. Similarly, although the wall height would increase to 3 metres, the garage would be lowered by approximately 1.6 metres into the site. As a result, the perceived scale and prominence of the structure would not materially increase and may appear reduced when viewed from surrounding land and public vantage points due to the site's sloping topography.

The retained 20 degree roof pitch would ensure that the overall form and appearance of the garage remain consistent with that previously approved. The development would continue to read as a detached domestic outbuilding that is clearly subordinate to the host dwelling in both scale and function. Furthermore, the amended garage would remain set within a spacious residential curtilage and would not appear unduly prominent within the street scene.

A condition of approval required materials to match, and this would remain in place in the instance of any grant of permission as it would relate to the approved side extension. Whilst the host dwelling is constructed in brick, the garage is proposed to be finished in render as previously approved. Given the detached and subordinate nature of the outbuilding, together with its siting within a spacious residential curtilage, the use of render would not appear incongruous or result in harm to the character and appearance of the area. To ensure a satisfactory appearance of the development, a condition requiring the garage to be finished in the approved render is recommended.

Taking these factors into account, the proposed amendments would not result in harm to the character or appearance of the host property or the wider area. The revised garage would remain subordinate to the dwelling and would continue to respect the established character of the locality. The proposal is therefore considered to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Paragraph 135 of the NPPF.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The approved application 2025/92323 established that the replacement detached garage would not result in an unacceptable impact on neighbouring residential amenity due to its siting, separation distances and relationship with surrounding properties.

The repositioning of the garage door would not introduce any additional impacts upon neighbouring residential amenity. Whilst a new window is proposed within the south-east elevation of the garage, for the reasons set out above it would not result in an unacceptable loss of privacy or overlooking. The proposal therefore raises no concerns in relation to privacy.

The amended plans also show the introduction of a window within the south-east elevation of the garage facing towards number 46 Fall Lane. Given that the window would serve a non-habitable domestic outbuilding, rather than a principal living space, opportunities for overlooking would be limited. Furthermore, the garage would remain separated from number 46 by the existing garden areas and boundary treatments. Having regard to the nature of the accommodation served and the relationship between the properties, the proposed window would not result in an unacceptable loss of privacy to the occupiers of number 46 Fall Lane.

Whilst the height of the garage walls would increase, the building would also be lowered by approximately 1.6m into the site. As such, the apparent height and visual presence of the garage when viewed from neighbouring properties would not materially increase. The approved report noted that the garage would be located approximately 9m to 13m from neighbouring properties at numbers 36 and 38 Fall Lane and at a lower topographical level than those dwellings. These relationships would remain broadly unchanged. Given the proposed lowering of the structure, it is not considered that the amendments would give rise to any materially greater loss of light, overshadowing, overbearing impact or loss of outlook than the already approved scheme.

Furthermore, the amendments relate solely to the detached garage and would not reduce the amount of private garden space available to the occupiers of the host dwelling. The site would continue to retain substantial areas of usable private outdoor amenity space in excess of that required by the SPD.

Overall, it is considered that the proposed amendments would not result in any unacceptable impact upon the amenity of neighbouring occupiers by reason of overlooking, loss of privacy, overshadowing, loss of light, outlook or

overbearing impact. Sufficient private outdoor amenity space would also be retained. The proposal therefore accords with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 of the House Extensions and Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

Conditions

Three conditions were in place upon the original permission. Condition 1 (time limit to begin the development) would be re-worded to reflect the same time period as per the original consent.

Condition 2 (plans list) would remain as worded although the plans list updated to reflect the relevant plans applicable, which would be the red line boundary of the original permission and the plans submitted as part of this application.

Condition 3 (materials) would remain as worded as would condition 4 (obscure glazing).

As the proposed detached garage would be faced in render, an additional condition would be be required in respect of this.

Representations

N/A

Conclusion

The proposed variations as set out above accord with all relevant national and local planning policy. This variation will still represent high quality sustainable development, whilst still maintaining a good standard of amenity for nearby dwellings.

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.

Decision Authorisation - Delegated Powers

Application Number: 2026/91000

Officer Recommendation: Approve

Conditions and Reasons

1.The development hereby permitted shall be begun by 4th February 2029.
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 to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP53 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 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 and 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.

4. The garage hereby approved shall be finished in render and the roof covered in materials matching the approved plans unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and in accordance with Policy LP24 of the Kirklees Local Plan and the House Extensions and Alterations SPD.

Plans and specifications schedule: -

Plan submitted as part of application 2025/92323	**Reference**	**Date Received**
Location Plan		28/08/2025
Existing Plans and Elevations	25/82/A	29/08/2025
Site Plan	25/82	29/08/2025
Detached Double Garage	25/82/C	29/08/2025
2 storey side extension Proposed floor plans & Elevations	25/82/B	28/08/2025
General	Climate Change Statement	29/08/2025
Plan submitted as part of application 2026/91000		
Proposed Site/Block Plan	Site Plan	13/04/2026

Grouped Plans and Elevations	44 Fall Lane Drawing 1	13/04/2026
Location Plan	Location Plan	13/04/2026

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 Planning 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.

As the submitted plans were acceptable, no changes were sought.

Report Dated: 17.07.26