

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:	2026/70/91355/W
Site Address:	6, Moor Park, Bradshaw Road, Honley, Holmfirth, HD9 6RJ
Description:	Variation of conditions 2 (plans) and 3 (materials) on previous permission 2026/90330 for erection of single storey rear extension and sun room with attached store, including decking area and associated works
Recommending Officer:	Joshua Merriman

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.**

John Holmes

AUTHORISED OFFICER

Date: 13-Jul-2026

Officer Report – 2026/91355

Site Description

The application site refers to 6, Moor Park, Bradshaw Road, Honley, Holmfirth, HD9 6RJ, a two-storey semi-detached property faced in coursed natural stonework, with a slate roof, and timber windows and doors. The application property lies in a uniform street scene, surrounded by dwellings in the same terraced row of a similar size, scale, character, appearance, and age. Furthermore, the dwelling benefits from a shared hard-standing parking area to the front, as well as a garden area on multiple levels to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for Variation of conditions 2 (plans) and 3 (materials) on previous permission 2026/90330 for erection of single storey rear extension and sun room with attached store, including decking area and associated works.

The variations would see the following amendments:

- The use of a flat roof to the higher-level rear extension rather than a pitched roof.
- The use of flamed flat roof lights to the higher-level rear extension rather than velux type roof lights.

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.

3. The external walls and roofing materials used in the construction of the extension hereby approved, in addition to the materials used in the boundary walling as shown on Proposed Site Plan ref 4455-03-03 shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

History of Negotiations / Amendments Received

No amendments have been requested by officers.

Relevant Planning History

2005/90067 - Erection of two storey extension and earth sheltered garage – Conditional Full Permission.

2007/91525 - Erection of single and two storey extensions and earth sheltered triple garage – Conditional Full Permission.

2026/90330 - Erection of single storey rear extension and sun room with attached store, including decking area and associated works – Conditional Full Permission.

Representations

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

The application has been publicised as affecting a public right of way, on the Council's website, and by site notice. The expiry date of the publicity period was the 26/06/2026.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The application site is allocated Green Belt within the Kirklees Local Plan (adopted 2019). The site is also located within proximity of PRow HOL/8/60, within a twice buffer, and has had permitted development rights removed.

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
- LP57 The extension, alteration or replacement of existing buildings

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 12 – Promoting Sustainability.

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is located within Landscape Character Area 5 (Nethertong Rural Fringe) of the Holme Valley Neighbourhood Development Plan. The key characteristics of which are below:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

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

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
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Representations
6. 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 erection of single storey rear extension and sun room with attached store, including decking area and associated works was established under permission 2026/90330. 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.

The use of a flat roof and framed flat roof lights to the rear extension rather than a pitched roof and Velux roof lights is not considered to significantly impact the visual amenity of the development as the extension is located to the rear of the property, and will use a flat roof to the lower-level extension as approved. Furthermore, given the land to the rear of the property is largely an open expanse, the extension will not be highly visible in the local area, having little impact on the character of the area.

Condition 3 would be updated to refer to the wall materials of construction only.

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.

As the roof lights proposed will not facilitate any extra overlooking onto neighbouring properties, and the flat roof will cause a reduction in the scale of the development, it is considered that there will be no significant impact upon neighbouring properties regarding overshadowing, overbearing, light, outlook, privacy, and overlooking.

Considering the above assessment, the proposed amendments are considered acceptable regarding residential amenity.

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 2026/90330 permission. As the scale of the development would not be significantly increased under this variation of condition, and very similar 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. Representations

No representations were 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/91355

Officer Recommendation: Conditional Full Permission

1. The development hereby permitted shall be begun within three years of 17th April 2026.

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 external walls used in the construction of the development shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no outbuildings (Class A, AA, B, D & E), other than those expressly authorised by this permission shall be constructed on the site.

Reason: In order to preserve the openness and character of the Green Belt and to accord with Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type Submitted as Part of Application 2026/90330	Reference	Version	Date Received
Location Plan	4455-03-09	-	05/02/2026
Existing Sections	4455-03-06	-	05/02/2026
Existing Site Plan	4455-03-01a	-	05/02/2026
Existing Elevations	4455-03-02	-	05/02/2026
Covering Letter	-	-	05/02/2026
Climate Change Statement	-	-	05/02/2026
Plan Type Submitted as Part of Application 2026/91355	Reference	Version	Date Received
Existing Block Plan	4455-03-10	-	19/05/2026
Proposed Block Plan	4455-03-11	-	19/05/2026

Proposed Floor Plans	4455-03-04a	-	19/05/2026
Proposed Elevations	4455-03-05a	-	19/05/2026
Condition Variation Justification	-	-	19/05/2026
Application Forms	-	-	19/05/2026

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 by officers as it was considered the proposal was acceptable as submitted.