

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:	2026/70/91503/W
Site Address:	5, Woodsome Drive, Fenay Bridge, Huddersfield, HD8 0JR
Description:	Variation of condition 2 (plans) of previous permission 2024/91084 for erection of single storey rear, two storey side and two storey front extensions
Recommending Officer:	Laura Yeadon

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 29-Jul-2026

Officer Report

[Website](#)

Site Description

5 Woodsome Drive is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick to the front, side and rear elevations within timer cladding and white rendered sections to the first floor front elevation. To the front of the property is a garden/hard standing area with a driveway leading to an attached garage. To the rear of the property is a larger garden area with a patio at floor level of the property and a lawned garden which slopes downwards to the west, towards the rear boundary.

Surrounding development consist of residential properties within Woodsome Drive which are detached properties, some of which have been extended and which vary in terms of size, design and construction materials.

Description of Proposal

The application is for the variation of condition 2 (plans) of previous permission 2024/91084 for erection of single storey rear, two storey side and two storey front extensions.

Condition 2 of the 2024/91084 permission relates to the plans that were approved. It 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, LP31 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.*

The application seeks permission under a Section 73 application to vary the approved plans. In this case the application form states that the following changes are proposed:

- Rear extension increased in width and door positions amended
- First floor layout amended
- Front first floor window amended
- Rear first floor window added
- Ground floor side window added

All other details remain unchanged, as previously approved.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2024/91084 – Erection of single storey rear, two storey side and two storey front extensions – Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 26th June 2026

Kirkburton Parish Council – no response received

As a result of the public consultation period no representations have been received.

Consultation Responses

None required

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 site is without notation on the Kirklees Local Plan however it is within the Strategic Green Infrastructure Network, a 'Bat Alert' area on the Council's mapping system and also within a low risk coal mining area.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network

- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 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.

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

Legislation

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Review of planning conditions

7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

It is important to note that the principle of extending the property has been previously established through the approval of planning application 2024/91084.

The proposed alterations to the approved plans are as follows:

- Rear extension increased in width and door positions amended

The approved plans demonstrate that the rear extension was set in from the side elevation of the property whereby the proposed plans seek to extend the width of the rear extension so that the side elevation would lie flush with the side elevation of the existing dwelling. There are no proposed alterations to the projection or height.

- First floor layout amended

The amended internal layout does not require planning permission as the alterations in isolation would not materially affect the external appearance of the building.

- Front first floor window amended

It is proposed that the first floor window within the two storey front extension would be changed from a double window to a single window.

- Rear first floor window added

It is proposed that first floor middle window configuration would be altered from a triple window to a double and single window opening.

- North facing side window to the host property

It is proposed to insert a north facing ground floor side window to serve the study. The submitted plans indicate it will be obscure glazed.

2 – Impact on visual amenity:

In terms of the visual impact of the scheme, a detailed assessment relating to each element of the proposed has been carried out under the previous and extant application and permission. The plans remain unchanged as part of this application with the exception of the details listed above and an additional elongated window within the side elevation of the existing property which could be installed without planning permission.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

With regards to the impact of the proposed scheme on visual amenity, the proposed increased width of the rear extension and the alterations to some fenestration details are not considered to be visually intrusive to either the host dwelling or the wider street scene over and above that already approved.

The proposed alterations would comply with the requirements of Policy LP24 of the Local Plan and the aims of Chapter 12 of the NPPF.

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.

In terms of the alterations to the fenestration details to the front and rear of the property, these would not reduce and established/approved separation distances and would therefore no result in additional harm to neighbouring dwellings.

The new window to the north side facing elevation within the host property is indicated as obscure glazed and therefore raises no concern to loss of privacy.

Whilst the width of the single storey rear extension would be extended, the side elevation wall would lie flush with the existing and would not encroach further towards the neighbouring property than the existing two storey side elevation. It is also noted that the rear extension would not protrude past the rear elevation of No. 7 Woodsome Drive.

Therefore, it is not considered that this alteration would cause significant harm to the amenity of the neighbouring property.

It is therefore considered that the proposed alterations would comply with the requirements of Key Design Principles 3, 4, 5 and 6 of the SPD, Policy LP24 of the Local Plan and the aims of Chapter 12 of the NPPF.

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

In this case the proposed amendments would not impact on highways safety or parking provision any further than that of the original consent. Whilst there are proposed alterations to the first floor accommodation, there would be no increase in the number of bedrooms proposed that would impact on the highway network. As such the proposal is concluded to meet the requirements of the aforementioned policy in this regard.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where

practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Given the nature of the proposal, it is not deemed reasonable to require the applicant to implement specific resilience measures. However, incorporating additional openings in habitable room windows will enhance passive solar gain and reduce reliance on artificial lighting.

Biodiversity – Paragraphs 187, 188 and 192 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

7 – Review of planning conditions:

The previous application included conditions. These are assessed below:

1. Time limit – this shall be reimposed taking into account the date of the issuing of the previous permission
1. Approved plans – the plans table shall be altered to reflect the plans approved under this application
2. Wall and roofing materials – this shall be reimposed as worded
3. Falt roof of the rear extension shall not be used as a balcony or terrace – this condition shall be reimposed making reference to the plans approved under this permission
4. Removal of permitted development rights for windows, doors or other opening within the side elevations of the extensions – this shall be reimposed as worded.

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2026/91503

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun prior to 12 June 2027.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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, LP31 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 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 retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The flat roof of the rear extension shown on drawing numbers A(10)-01 Rev: B and A(10)-02 Rev: B hereby approved shall be used as roof area only and shall not be used as a balcony or raised 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, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of the extensions hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations SPD and Policy in Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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 – application	Reference	Version	Date Received
2024/91084			
Location plan	PP-12987234v1		18 th April 2024
Existing 18th April 2024 site elevations plan, and floor plans	2332 A(00)-01		18 th April 2024
Plan Type – application	Reference	Version	Date received
2026/91503			
Proposed site plans and floor plans	2332 A(10)-01 Rev: B		3 rd June 2026
Proposed elevations	2332 A(10)-02 Rev: B		3 rd June 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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 28th July 2026

