

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:	2026/70/92150/E
Site Address:	Healey, 1, Penistone Road, Shelley, Huddersfield, HD8 8JN
Description:	Variation of condition 2 (plans) on previous permission 2025/92972 for erection of single and two storey extensions, internal and external alterations
Recommending Officer:	Ellen Gilbert

DECISION – Variation of Condition - 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: 30-Sep-2026

THE SITE & DEVELOPMENT

The site description and extent of the development are set out in the case officer report for application 2025/62/92972/E and is hereafter referred to as the original application/permission.

This report should be read in conjunction with the case officer report for application 2025/62/92972/E which can be viewed here: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f62%2f92972%2fE>

THE PROPOSED VARIATION OF CONDITION/S

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for the variation of condition 2 (plans) on previous permission 2025/92972 for erection of single and two storey extensions, internal and external alterations

The purpose of the application is to amend the approved design of the windows, widen the two-storey extension by 1 meter and amend the roof from a lean-to form to a gable.

To the side elevation of the property, the ground floor window on the two-storey extension is to be redesigned to a 3-panel design, the roof form of the upper storey is to be gabled, and the upper floor is to feature a Juliet balcony.

To the ground floor of the property, the four paneled windows on the left of the side elevation and to the principal elevation are to be reduced to three panels and to the rear, a set of approved double doors is to be changed to a window

PLANNING HISTORY

The most relevant planning history for the site relates to the following:-

- 90/01873: Formation of Pitched Roof with Dormer Window to Existing Single Storey Building and Erection of Detached Garage - Conditional Full Permission
- 2025/91437: Erection of single storey extensions with raised patio, external fuel burner flue and associated alterations - Conditional Full Permission
- 2025/92972: Erection of single and two storey extensions, internal and external alterations – 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 in the same way the original application was publicised with the expiry of publicity being the 30th of September 2026. No representations have been received.

CONSULTATIONS

No statutory consultees were required for this application.

ALLOCATION AND POLICIES

The allocations and policies relevant for the site and development are set out in the case officer report for the original application and it is not considered necessary to repeat them here.

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

ASSESSMENT

This Section 73 application seeks minor material variations to the originally approved plans which have come about by a change in the design and layout of the site.

It is considered that the key determining issue/s in the consideration of this application are:

- Visual amenity
- Residential amenities

The National Planning Policy Framework has been updated since the determination of the previous application and there has been the adoption of the Housebuilders Design Guide by the Council. It is not considered the adoption of the SPD and the update of the NPPF has a significant impact upon the determining issues considered applicable in this case.

Residential Amenity issues

Chapter 17 of the NPPF seeks to ensure an acceptable impact of development proposals in relation to residential amenity. Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and 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 proposal is not considered to lead to a material increase in overlooking over and above that which can take place already. The addition of a Juliette balcony to the side elevation is considered to be appropriate here and have less than significant impacts on neighbouring amenity, given the open aspect surrounding the property and the distance maintained between the surrounding dwellings. Having regard to the scale of the proposal and distance sited from neighbouring properties, along with the fact that no new openings are proposed in the re-submitted plans, the proposal is considered to accord with the aforementioned policies.

In addition, the proposal would retain adequate amenity and waste storage areas.

Visual Amenity

The policies relevant to the consideration of an application of this type, in relation to visual amenity, are set out in the case officer report for the original application.

Having taken the above into account, the proposed amendments would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the approved extension would continue to form a subservient addition to the property. In addition, given the ample curtilage and oblique angle at which the property is situated, a terracing effect would be avoided, and it is considered that the widening of the extension by 1 meter is therefore proportionate.

Given the varying levels and gable design of the existing roofing of the host dwelling, the introduction of a gable roof form is deemed appropriate in this case.

The reduction in the size of the windows and the replacement of a proposed double door with a window is also considered acceptable in this case, as no new openings are proposed and the plans show a paneled fenestration design in keeping with the character of the property and the surrounding area.

Review of conditions

In the instance of any grant of approval of a S73 application a new consent is issued by the LPA, as such all conditions upon the original permission are required to be reviewed and where necessary re applied or amended.

In the case of this application, the changes hereby approved relate to Condition 2 of the approved application 2025/92972:

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, LP22, LP24, LP30, LP51, LP52 & LP57 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the policies contained within Chapters 12, 13, 14 and 15 of the National Planning Policy Framework.*

In the case of this application, changes were sought to the plans and specifications submitted in the above approved application in the form of a gable roof, amendments to windows and doors and the widening of the approved two-storey extension by approximately 1 meter.

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since grant of permission for the original permission.

It is therefore considered that, subject to the wording of conditions being amended, where relevant, to the wording set out in the 'Review of Conditions' section of this report and all informative notes imposed the variations to the approved plans proposed under this Section 73 application are acceptable and do not alter the conclusions reached and the recommendation made for original application.

Approval is recommended.

Recommendation - VARIATION OF CONDITION/S APPROVED

Decision Authorisation - Delegated Powers

Application Number: 2026/92150

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun within three years of 4th March 2029.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. 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 & LP30 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 3, 4, 5, 14, 15 and 17 of the National Planning Policy Framework

2. Notwithstanding the plans submitted the external walls and roofing materials of the development 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 & 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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Site Plans	2106-5		03/08/2026
Proposed Elevations and Floor Plans	2106-4		03/08/2026
Application Form			03/08/2026

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 23.09.2026

Coal – low

