

**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:	2026/70/92294/W
Site Address:	36, Scholes Moor Road, Scholes, Holmfirth, HD9 1SJ
Description:	Variation of condition 2 (plans and specifications) on previous permission 2025/92201 for erection of single and two storey rear extensions, single storey front extension and associated alterations
Recommending Officer:	Joshua Merriman

DECISION – VARIATION OF CONDITON 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: 12-Oct-2026

Officer Report – 2026/92294

Site Description

The application site relates to a semi-detached property located in a predominantly residential setting in the area of Holmfirth. The site hosts a front garden and a driveway which runs along the side of the property. To the east of the site are properties of a mix of single and two storey and of varying design / styles being a mix of detached and semidetached.

To the north and south of the site are semi-detached properties in a variety of styles and mix of ages.

The host property and properties to the north and south benefit from long back gardens, with terraced residential properties beyond. The main construction material is natural stone.

Description of Proposal

The Scheme

The applicant is seeking permission for Variation of condition 2 (plans and specifications) on previous permission 2025/92201 for erection of single and two storey rear extensions, single storey front extension and associated alterations.

The variation would see the following amendments:

- Replacement of the approved V-shaped first floor window in the South West elevation with a high-level window.
- Reducing the ground floor window in the South West elevation from three panels wide to two panels wide.

It is noted that an extra window is included within the submitted South East elevation, however, this is not reflected in the other submitted plans and the assessment is on the basis of the high level window shown in the submitted south west elevation.

The previous condition 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development 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, and 16 of the National Planning Policy Framework.

History of Negotiations / Amendments Received

No amendments have been requested by officers.

Relevant Planning History

The planning history for the site relates to the following:

2025/92201 - Erection of single and two storey rear extensions, single storey front extension and associated alterations – Conditional Full Permission.

2025/91693 – The proposal is for a single storey rear extension The extension projects 6 metres beyond the rear wall of the original dwellinghouse The maximum height of the extension is 2.98 metres The height of the eaves of the extension is 2.98 metres – Approved.

2024/90240 - Erection of single and two story rear extension – Refused for the following reason:

The proposed development by reason of its scale and massing, would result in a detrimental impact on the appearance of the host dwelling and wider street scene. Furthermore, the proximity to the adjoining dwelling (No.34) to the north would lead to an unacceptable loss of light, causing a significant level of overshadowing, and would be unduly overbearing and oppressive, having a harmful impact upon the outlook of this property. This would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.

This application has been submitted in conjunction with application 2025/91693 and seeks a reduced scale of development. Whether this is considered to overcome this reason for refusal is discussed in the 'Assessment' section of this report.

2007/91933 – Erection of a two storey rear extension – Refused.

Relevant planning history for neighbouring sites:

2003/91484, 2003/91485 – 38 & 40 Scholes Moor Road – Erection of two storey extension – Conditional Full Permission – This planning permission is noted as it is similar to that of the proposal. Due to this joint application the impact on residential amenity was relieved.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 09/10/2026.

Letters of Comment

- Holme Valley Parish Council have been consulted regarding the application no comment has been received.

Letters of objection

One letter of objection has been received, raising the following summarised concerns:

- Window would be at eye level
- Privacy impact as a result of the proposal particularly due to differing land levels
- Amended proposal does not specify use of obscure glazing
- Could have been further re-positioned to reduce overlooking
- Existing overlooking exists and the proposal would increase this
- Careful consideration is needed to be given to the existing situation between openings.

These are addressed in the 'Assessment' section of this report.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The application site is unallocated within the Kirklees Local Plan (adopted 2019).

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

Holme Valley Neighbourhood Development Plan (2021):

- 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.

The application site is located within Landscape Character Area 3 (Hade Edge Upland Pastures) of the Holme Valley Neighbourhood Development Plan. The key characteristics are below:

- The open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way (PRoW) follows local lanes or field boundaries. Minor roads and PRoW, including sections of the Kirklees Way and the Barnsley Boundary Walk long distance footpaths, connect farmsteads located on the valley sides. National Cycle Route no. 68 also passes through this 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 August 2026, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter4	Achieving sustainable development
Chapter5	Meeting the challenge of climate change
Chapter14	Achieving well-designed places

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.

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 and two storey rear extensions, single storey front extension and associated alterations was established under permission 2025/92201. 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 14 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 introduction of new window openings into the South West elevation of the property is not considered to significantly impact the visual amenity of the dwelling as all windows proposed in the property will match those existing

regarding materials (and permitted as per previous approval 2025/91786), and be of a similar scale to those previously approved.

These characteristics of the proposal will ensure the development continues to comply with Policy LP24 of the Kirklees Local Plan, Policies within Chapter 14 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, Chapter 12 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.

The proposed openings in the South West elevation of the dwelling maintain the same distance previously approved from neighbouring dwellings, and are reduced in scale. However, it is noted that there are land level differences between the application property and neighbouring dwelling which has a direct relationship, leading to the rear facing pane of the existing approved window being obscured in the previous application. As a result, it is considered that the high-level window proposed should also be obscured as to prevent direct overlooking into openings within the side elevation of the neighbouring property. This will be secured via condition.

Considering the above assessment, the proposed amendments are considered acceptable regarding residential amenity in the event that the window is obscure glazed.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 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 2025/92201 permission. As the scale of the development would not be significantly increased under this variation of condition in context of the site, 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 15 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 5 of the National Planning Policy Framework.

6. Representations

One letter of objection has been received. The summarised concerns have officer responses below:

- Window would be at eye level.
- Privacy impact as a result of the proposal particularly due to differing land levels.

Officer Comment: The window has been conditioned as obscure glazed to ensure no overlooking or privacy impacts.

- Amended proposal does not specify use of obscure glazing.

Officer Comment: This has been recommended for inclusion as a condition.

- Could have been further re-positioned to reduce overlooking.

Officer Comment: The application is assessed on the basis as submitted.

- Existing overlooking exists and the proposal would increase this.

Officer Comment: The proposals impact upon residential amenity has been considered and on the basis of inclusion of an appropriately worded condition requiring obscure glazing the impact is concluded to be acceptable.

- Careful consideration is needed to be given to the existing situation between openings.

Officer Comment: Consideration has been granted to this relationship and relevant mitigation considered / required by condition.

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.

The conditions of 2025/92201 are recommended to be updated to reflect the potential scope for either the window the subject of this application or that as approved to be installed and would be updated on this basis as well as to reflect the three year timeframe for commencement. Subject to these updates / inclusion of the conditions of the original permission the proposal is considered to be acceptable.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/92396

Officer Recommendation: Conditional Full Permission

1. The development hereby permitted shall be begun within three years of 3rd November 2025.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development 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, and 16 of the National Planning Policy Framework.

3. In the event the high level window in the South West elevation detailed upon submitted drawing titled 'Proposed South West Elevation' received on 17/08/2026 is to be installed, it shall be fitted with obscure glazing or permanently affixed film which achieves an obscurity of Pilkington level of four or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing or permanently affixed film shall thereafter be retained for 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 and to accord with policy LP24 b of the Kirklees Local Plan, Principle 3 of the Council's adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valle Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

4. In the event the window annotated 'Fixed obscure glazed pane to rear facing elevation' upon the North West elevation of submitted drawing titled 'Elevations as Proposed' ref 25/1123/HH05b received as part of application 2025/92201 is to be installed is shall be fitted with obscure glazing or permanently affixed film which achieves an obscurity of Pilkington level of four or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

Order 2015 as amended (or any Order revoking or re-enacting that Order). This window will be non openable and the obscure glazing or permanently affixed film shall thereafter be retained for 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 and to accord with policy LP24 b of the Kirklees Local Plan, Principle 3 of the Council's adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valle Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

5. 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.
6. The development shall not be brought into use until the window annotated '500x500 obscure glazed window to en-suite' upon the South West elevation of submitted drawing titled 'Elevations as Proposed' ref 25/1123/HH05b has been fitted with obscure glazing or permanently affixed film which achieves an obscurity of Pilkington level of four or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) The obscure glazing or permanently affixed film shall thereafter be retained for 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 and to accord with policy LP24 b of the Kirklees Local Plan, Principle 3 of the Council's adopted House Extensions and Alterations SPD, Policy 2 of the Holme Valle Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type Submitted as Part of Application 2025/92201	Reference	Version	Date Received
Location Plan	25/1123/HH01	-	08/08/2025
Existing Floor Plans and South East, North West, & North East Elevations	25/1123/HH03	-	08/08/2025
Proposed Floor Plans	25/1123/HH04c	2	20/10/2025
Proposed South East, North West, & North East Elevations	25/1123/HH05	B	20/10/2025
Climate Change Statement	-	-	08/08/2025

Plan Type Submitted as Part of Application 2026/92294	Reference	Version	Date Received
Block Plan	-	-	17/08/2026
Existing South West Elevation	-	-	17/08/2026
Proposed South West Elevation	-	-	17/08/2026
Application Forms	-	-	17/08/2026

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 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.