KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2024/62/92528/W**
Site Address:	The Eden Foundation, 31, Acre Street, Lindley, Huddersfield, HD3 3DZ
Description:	Demolition of existing rear extension, erection of rear extension to include a staircase, reconfiguration of existing roof including rooflights and the removal of chimneys and formation of basement entrance
Recommending Officer:	Emma Thompson

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 12/07/2025

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Officer report

Site description

31 Acre Street, Lindley is a detached two storey building faced in stone with a blue slate tiled roof. The site currently benefits from a flat roof two storey rear extension. Vehicular access can be taken from the south western facing boundary onto Wellington Street. Within the site, there are also two trees which are protected by Tree Protection Orders (TPO's).

The site is set within a mixed use area, and is surrounded by residential properties, along with Huddersfield Royal Infirmary to the north east.

The site is unallocated on the Kirklees Local Plan.

Description of development

The proposal is seeking permission for demolition of the existing rear extension and erection of a three storey rear extension, reconfiguration of the roof including the addition of rooflights, removal of chimney and formation of a basement entrance.

The measurements of the scheme are as follows:

Rear extension

- 2.6m in projection
- 6.5m in width
- 7.7m in height to the eaves; 9.7m in overall height

The extension would be constructed from natural stone with a blue slate roof to match the existing building. The additional windows would be constructed from UPVC. The extension is to provide a staircase to improve internal circulation within the building.

The alterations to the roof include raising the ridge height to the rear, in order to create a hipped roof form.

Excavation is also proposed to the front of the building, in order to create a separate entrance. This is approximately 1.6m deep to provide a new door and stairway.

Other than the addition of rooflights to the building, the application is similar in scale and design to 2020/93573 which was approved in October 2021 but has since lapsed.

Relevant Planning History

At the application site:

2024/92277 Discharge of condition 5 (site management plan) on previous permission 2020/93573 for demolition of an existing rear extension and erection of 3 storey extension to incorporate a staircase and lift, alterations to roof and the formation of a basement entrance – Refused due to lack of information

2020/93573 Demolition of an existing rear extension and erection of 3 storey extension to incorporate a staircase and lift, alterations to roof and the formation of a basement entrance – Approved October 2021. This permission has lapsed.

2017/91604 Demolition of rear extension and erection of rear extension to form a escape stair and wheelchair lift – Approved

2018/91326 Works to trees TPO 63/92 – Granted

2020/90695 Work to trees TPO 63/92 – Refused

History of negotiations/amendments received

Further clarification was sought with regards to the development. The agent confirmed that there is to be no increase in numbers. The application is to facilitate better use of the building internally.

Further information was also requested with regards to construction works and
delivery parking facilities as well as the use and retention of adequate wheel washing
within the site to avoid pre-commencement conditions. The agent provided clarification which has been assessed as being acceptable and proportionate to the works.

Representations

We are currently undertaking 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 which expired on the 28th October 2024.

As a result of the above publicity, two representations have been received. A summary of the concerns raised are as follows:

- Lack of site publicity
- Lack/loss of parking/parking on surrounding streets
- Traffic volume on small streets
- Extension would reduce light
- Noise pollution
- Fire escape would impinge on spaces
- Construction vehicles will not be able to access the site safely

- The use is incompatible

Local ward councillor comments:

Councillor Burke: Raised initial enquiries regarding concerns over highways safety and parking.

Ward Councillors were kept informed of the recommendation and given the opportunity to comment further or request a committee decision. No request was received.

Consultation Responses

KC Highways DM: Following further clarification HDM raise no objections.

KC Trees: No objections.

KC Environmental Health: No objection.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP)

• LP 1 – Achieving sustainable development
• LP 2 – Place shaping
• LP 21 – Highway safety
• LP 22 – Parking
• LP 24 – Design
• LP 30 – Biodiversity
• LP 47 – Healthy, active and safe lifestyles
• LP 52 – Protection and improvement of environmental quality

Supplementary Planning Documents (SPD)

• Highways Design Guide.

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.

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

• Chapter 8 – Promoting healthy and safe communities
• Chapter 12 – Achieving well-designed place
• Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 the KLP 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 NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The application follows the approval of two previous applications for similar development schemes. There have been updates to planning policy since these applications were approved but nothing has fundamentally changed and as such those decisions remain relevant.

The development proposed is required to improve the internal circulation and accessibility of the site and does not seek to provide any additional space to allow an increase in capacity. The use of the site is established and this matter is not for debate under this application. The works would be an improvement to the community facility and as such can be supported in accordance with LP48 of the Kirklees Local Plan that would enhance the facility.

In this case, the principle of development on the application site is considered to be acceptable and shall be assessed against other material planning considerations detailed within this report.

2. Impact on visual amenity

Three storey rear extension

The proposed development is similar that approved under 2020/93573. The scale is proportionate to the host and would appear subservient to the host property.

In terms of design the extension would incorporate a hipped roof to match the alterations proposed to the roof of the existing building. The development will therefore harmonise with the host. Being located on a detached building the works would not appear out of character and sit comfortably within the area.

Materials would match the existing building and surrounding building which is a strong characteristic of the area.

With regards to fenestration, the submitted plans show one new window to be inserted at second floor. The openings would be of an acceptable size and scale and would complement those that exist on the original building.

Having taken into account the above, it has been assessed that the rear extension would not unduly harm the visual amenity of the host property, nor would it appear incongruous within its setting subject to condition requiring the materials to match those used in the construction of the existing building. As such, the works are considered acceptable and would not detract from the character of the area or host building.

Alterations to the roof form

As outlined above, the changes to the roof form as well as the introduction of rooflights would be acceptable from a visual perspective. They would allow the proposed extension to link well with the host property creating a simple and subservient feature. As such, no concern is raised.

Excavation to create new basement entrance

The submitted plans show a small level of excavation to be proposed to the front of the existing building. This would provide a new basement entrance and would result in 1.3m of the existing hardstanding being dug out to a depth of 1.6m. Steps would be created in order to provide pedestrian access and a new door would be installed.

Given that the evacuation would be relatively small in size and scale, no concern is raised from a visual amenity perspective as the works would not appear overly prominent or dominant within the wider street scene. Such arrangements are also common for this type of development and would not be out of character.

Therefore, in conclusion, it is considered the development would be acceptable from a visual perspective, and would accord with the aims of Policy LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

2 and 6 Wellington Street are the neighbouring properties to the rear of the application site. Due to the scale and positioning it is considered that there would be no undue overbearing or overshadowing impact upon the occupants of the neighbouring properties. The location of the proposed built form is adequate distance so as to avoid any detrimentally impact. More specifically, a separation distance of approximately 10m would be retained between the nearest elevation at these neighbours and the rear extension, along with 12m from the existing built form. As such, any additional bulk and massing from the rear extensions and alterations to the main roof form would not unduly impact upon these neighbours amenity.

In terms of overlooking, the submitted plans show one new opening to be inserted at first floor as well as roof lights. Given that it serves a communal stairwell and not classed as 'habitable', it is likely to be heavily trafficked and as such the window should be obscurely glazed upon any grant of permission to prevent any loss of privacy to nearby occupants.

5, 9, 11,13 and 15 Wellington Street are the neighbouring properties to the south/south west of the application site. There would be a separation distance of approximately 15m retained, including a highway. For these reasons the bulk, massing and opening contained within the rear extension would not have a material impact upon these neighbours amenity.

33 Acre Street is the residential property to the north west of the application site. It has been assessed that any impact upon these neighbours amenity would not be detrimental, as an acceptable separation distance would be retained from the rear extension. More specifically, officers have noted that these neighbours do not appear to benefit from any side openings within their garage extension. For these reasons, the works would not result in any significant overlooking, overbearing and overshadowing.

There would also be no material impact as a result of the excavation to the front of the property.

KC Environmental Health have also been formally consulted to ensure the works would not result in any material impact of noise or other nuisance that may arise from accessing the site. There are no concerns in this respect, as the works relate to the provision of a new stairway and basement entrance and do not involve an increase in numbers.

Subject to the above condition, it is concluded that the development would not unduly prejudice the amenity of the nearby residents, in accordance with Policy LP24 and LP52 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highways DM have been formally consulted. In this case, initial concerns were raised regarding the impact on parking, given that the surrounded highway is oversubscribed for on street parking. As such, plans have been sought to show the extension with off street parking spaces. The plan is the same as previously approved and demonstrates adequate space whilst concerns have been raised the agent has confirmed there will not be an intensification in the use of the site and therefore, on balance, no concern is raised.

Nonetheless, given the relatively confined nature of the site and the existing on street parking, KC Highways Officers have confirmed that the construction access management plan and information regarding the development are acceptable in order to avoid access and parking problems for the existing residents, further the agent confirms that wheel washing will be available during construction phases. A condition is imposed to ensure the plans are put in place to avoid conflict with highway users.

It has been considered that the proposal on balance, can be supported on highways grounds following the above conditions and footnotes. For these reasons, the application will comply with LP21 and LP22 of the Local Plan and the Council's Highways Design Guide.

5. Other matters

Enhancement of community facility

The proposal will enhance a local community facility, through ensuring accessibility for less mobile visitors. The NPPF, Chapter 8, establishes a general principle in favour of inclusivity. Paragraph 96 states that '*The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities'*.

Biodiversity

Paragraphs 187, 193, 194 and 195 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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024 unless the development is exempt from this requirement (detailed here). There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.
More information regarding biodiversity net gain can be found on the government website at; https://www.gov.uk/guidance/biodiversity-net-gain#biodiversity-net-gain-submitting-aplanning-application

Landscaping plans have not been included within the plans however it is considered that the development falls under the Di Minimis exemption, as it does not impact 25m2 of onsite habitat or 5 metres of linear habitats such as hedgerows.

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the building appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. A condition regarding including a bat box in the development is appropriate in order to satisfy LP30 and to accord with the aims of Chapter 15 of the NPPF.

Protected trees

KC Trees have been formally consulted as part of this application, given that there are two protected trees within the application site. In this case, the officer has noted that the proposal would not directly impact upon the adjacent protected trees.

A tree protection plan shows fencing as detailed in BS5837:2012 section 6.2 figure 3 to protect the trees.

Fencing has been shown on plan reference 3937 101 rev A, which was approved under the previous application also. The fencing shall be installed before any works on the site are undertaken and shall remain in place and not moved for the duration of the works. This is to accord with Policy LP33 of the KLP and Chapter 15 of the NPPF.

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

However, it has been noted that the extension would be constructed from stonework, which is a natural, locally sourced, material.

6. Representations

As a result of the above publicity, two representations have been received. A summary of the concerns raised, along with officer correspondence are as follows:

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- Lack of site publicity
  Comment: The application has been publicised by neighbour notification letters. All properties which may be impacted by the proposal have been notified.

- Lack/loss of parking/parking on surrounding streets
- Traffic volume on small streets
- Fire escape would impinge on spaces
- Construction vehicles will not be able to access the site safely
- *Comment: The above concerns have been noted and amended plans have been sought. KC Highways DM have considered the development proposals and concluded that the works improve internal circulation and do not result I a greater occupancy*

- Extension would reduce light
  Comment: The scheme is of a scale and location so as to avoid detriment to any neighbouring occupant.

- Noise pollution
  Comment: The proposed extension is not considered to alter the hours of use, and therefore it would be unreasonable to restrict this. However, if neighbours consider the development/use to provide a statutory nuisance, it is advised that they contact the Council's Environmental Health department.

- The use is incompatible with the residential area
  Comment: The use is established and provides a community facility within a locality. KC Environmental Health have been consulted and raise no objections to the development proposals.

Ward Councillors have been updated regarding the recommendation and have not requested a committee decision.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2024/92528
Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24 and LP33 of the Kirklees Local Plan and Policies within Chapters 8, 12 and 15 of the National Planning Policy Framework.

3. 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. The materials of construction shall thereafter be retained as such.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be occupied until the staircase window in the rear elevation of the extension hereby approved has been obscure glazed. 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 with or without modification) the obscure glazing shall thereafter be retained.
Reason: So as not to detract from the amenities of the neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the submitted details the means of access to the site for construction traffic and delivery parking facilities shall be implemented and

carried out in accordance with the details hereby approved. Wheel washing facilities shall be used throughout excavation and construction of the foundations and bankspersons shall be used for all deliveries and collection of any waste materials. Construction shall be carried out in accordance with the approved schedule throughout the period of construction of the development hereby approved.
Reason: In the interests of amenity and highway safety to comply with LP21 and LP22 of the Kirklees Local Plan and the and Policies within Chapter 12 of the National Planning Policy Framework.

6. The protective fencing as shown upon the submitted block plan drawing (ref:- 3937 101 rev A) shall be installed before any works start on site and shall remain in place and not moved for the duration of the works.
Reason: To ensure that the development conserves the protected trees and ensures their long-term viability, and to accord with the aims of Policy LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, one long-lasting Schwegler `woodcrete' type or similar bat box shall be installed within the south east elevation away from sources of light and be sited at least 4 metres above ground level and retained thereafter.
Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours, Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Due to its location, a bat roost 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 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.

NOTE: It is the applicant's responsibility to ensure that the retaining walls are structurally safe. However, for any further advice you can contact KC Highways Structures on Tel No. 01484 221000.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	3937 01	-	5th September 2024
Existing floor plans and elevations	3937 02	-	5th September 2024
Construction Vehicle Access	3937 100	-	5th September 2024
Construction Vehicle Access & wash	3937 101 REV A	-	21st July 2025
Proposed plans and elevations	3937 03	-	24th September 2024
Proposed block plan	3937 05 REV E	-	18th July 2025
Email - additional information	3937 05 REV E	-	17th July 2025
Supporting statement	3937 August 2024	-	5th September 2024

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 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, concerns were raised and amended plans as well as further details have been sought to in line with what has been previously approved.