

**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:	<b>2025/62/90641/W</b>
Site Address:	Green Garth, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP
Description:	Erection of extension and alterations (within a Conservation Area)
Recommending Officer:	Joshua Merriman

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 12-May-2025**

## **Officer Report – 2025/90641**

### **Site Description**

The application site refers to Green Garth, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP, a two-storey detached property faced in stone walls with a pitched tiled roof and uPVC windows and doors located in the Edgerton Conservation Area. The application dwelling lies in a relatively varied street scene, being surrounded by properties of differing scales, appearances, ages, and characters. Furthermore, the property benefits from a hard-standing parking area to the front, as well as amenity space to the side and rear of the house.

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking permission for the erection of extension and alterations (within a Conservation Area).

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Climate Change Statement
- Design and Access Statement
- Conservation/Heritage Assessment

### **History of Negotiations / Amendments Received**

No amendments have been requested by Officers.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

97/93350 – Erection of ground floor extensions (within a Conservation Area) – Conditional Full Permission – Conditional Full Permission.

2001/92646 – Erection of ground floor extension and 2 no. dormer extensions (within a Conservation Area) – Conditional Full Permission

2002/91470 – Erection of first floor extension and dormer (within a Conservation Area) – Conditional Full Permission.

2003/90952 – Erection of conservatory (within a Conservation Area) – Conditional Full Permission.

2018/92331 – Works to trees – Granted.

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting the setting of a conservation area, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 17/04/2025.

## **Allocation and Policy**

The site is allocated in the Edgerton Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer. 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

LP35 Historic Environment

### *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.

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

Chapter16 Conserving and enhancing the historic 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

Edgerton Conservation Area Appraisal

### *Legislation*

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

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. Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to

the desirability of preserving or enhancing the character of appearance of Conservation Areas.

### **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. Other matters – e.g. trees/ecology (e.g. bats)
  6. Representations
  7. Conclusion

### **1 – Principle of Development**

#### *Sustainable Development*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is located within the Edgerton Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

As the site is located within the Edgerton Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

LP35 states that:

'Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm'.

Paragraph 5.1 of the SPD states that rear extensions should:

Maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. Finally, external access to the properties rear garden should remain.

Paragraph 5.6 goes into more detail about single storey rear extension and states:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Given the above, subject to condition, it is considered that the proposed development constitutes appropriate development and complies with relevant policy.

## **2 – Impact on character and appearance of the area (including impact upon historic environment):**

### *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 recommendations of Paragraphs 5.1 and 5.6 are set out in the 'Principle' section of this report.

### *Historic Environment*

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The proposed extension is considered to relate well to the host property and maintain the local character and street scene as it is proposed to be faced in materials to match the existing building. Furthermore, the extension will not be visible from the front of the property and will be entirely set behind the original house, ensuring it has no detrimental impact on the street scene.

Moreover, the proposal is considered to be subservient to the original building, while also not exceeding 4m in total height, having a projection of less than 4m from the rear elevation of the original building, and not exceeding an eaves height of 2.5m where exceeding 3m in length.

The development proposed would not result in any harm to the heritage asset and as such does not require assessing against any public benefit. The development is in accordance with local and national policy.

The proposed development is therefore considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1 and 2, and Paragraphs 5.1, 5.13, 5.14, and 5.6 of the Council's House Extensions and Alterations SPD, policies within Chapter 12, and Paragraph 135, of the National Planning Policy Framework.

### **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 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.

The recommendations of Paragraphs 5.1 and 5.6 are set out in the 'Principle' section of this report.

Given the limited scale of the extension, and its similarity to the existing conservatory, it is considered that the quality of the residential environment will remain. This is due to the proposal being located at least 1m away from surrounding property boundaries and benefiting from high levels of natural screening between the extension and neighbouring dwellings, thus having little impact on the privacy of neighbours. Furthermore, for the occupants of the application property, the current external access to the rear garden of the dwelling will remain, with at least 50% of the current garden area also being retained.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12, and Paragraph 135, of the National Planning Policy Framework.

#### **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.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

Due to the proposed extension being located in the same place as the existing conservatory at the dwelling, it will not interfere with the hard-standing parking area to the front of the house. Also, the number of bedrooms at the dwelling will not increase as a result of the proposal. As a result, the current parking provision at the dwelling is acceptable to remain as current.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide 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. Other Matters**

### *Impact upon Ecology*

Chapter 15 of the National Planning Policy Framework is 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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case being for a single storey extension would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

## **7. Representations**

No representations have been received.

## **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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**  
**PERMISSION**

**CONDITIONAL FULL**

### **Decision Authorisation: Delegated Powers**

**Application Number:** 2025/90641

**Officer Recommendation:** Conditional Full Permission

### **Conditions**

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 (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 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

2. 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.

**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.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. 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.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	(EX)002	-	18/03/2025
Existing Floor Plans	(EX)001	-	18/03/2025
Existing Elevations	(EX)001	-	18/03/2025
Proposed Floor Plans	(20)001	-	18/03/2025
Proposed Elevations	(20)001	-	18/03/2025
Proposed Site/Block Layout	(20)002	-	18/03/2025
Application Forms	-	-	18/03/2025
CCS	-	-	18/03/2025
Design and Access Statement	-	-	18/03/2025
Conservation/Heritage Assessment	-	-	18/03/2025

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 as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 30/04/2025