

**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:	2025/62/90866/W
Site Address:	26, Hops Drive, Birkby, Huddersfield, HD1 5AD
Description:	Erection of rear dormer and front porch (within a Conservation Area)
Recommending Officer:	Joanna Rednall

DECISION – REFUSED

I hereby authorise the refusal 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: 27-Nov-2025

The Site

26, Hops Drive relates to a two-storey detached dwelling located in Birkby, Huddersfield. The property is finished in stone with a pitched roof finished in slate, and benefits from a conservatory to the rear. The site is located within a wider residential area where surrounding development is similar in terms of design and materials, the material palette is predominantly stone. The site is situated within Birkby Conservation Area and there are no Listed Buildings within close proximity to the site.

The Proposal

The applicant is seeking planning permission for erection of rear dormer and front porch (within a Conservation Area).

The rear dormer is proposed to the north-west facing elevation. The measurements of the dormer are as follows:

- 3m in width
- 0.8m in eave height, 1.1m ridge height
- 1.9m in depth

The dormer would be finished in a white pvc cladding and is designed with a dual-pitched roof finished in tiles. Two windows are proposed to the rear elevation of the dormers. Internally, the dormers serve a bedroom and bathroom.

The front extension would be 1m x 1.8m finished in stone with a shallow pitched roof. The height to the topmost part of the roof being 2.3m.

History of Negotiations

Officers sought amendments to ensure the proposal would have an acceptable visual impact, these amendments being to reduce the scale of the dormers to align with the existing front dormers within the locality. The applicant's agent justified the scheme being that the roof space would not be able to accommodate a pitched roof of a dormer therefore a flat roofed design is the only feasible option. Final amended plans received 5th November omitted the front dormer from the scheme with the roof of the rear dormer being redesigned from flat to dual-pitched. The application has been progressed to determination on the basis of this scheme.

Planning History

Relevant planning history for this site is summarised as follows:-

- 2005/95145 - Erection of 247 no. dwellings with garages, 44 no. apartments, change of use and alterations to convert existing building to 24 no. apartments, with associated parking, access, public open space, play areas and pedestrian routes (within a Conservation Area)

Conditional full permission

- 2006/95034 - Modified proposal for erection of residential development of 278 dwelling units (substitution of house types) and revised layout, conversion and extension of office block to 37 no. 1-2 bed apartments (within a Conservation Area)

Conditional full permission

- 2009/90665 - Modified proposal for erection of residential development of 22 no. detached dwellings, 16 no. semi detached dwellings and 21 no. terrace dwellings (revised layout amended house type) (within a Conservation Area)

Conditional full permission

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice and a press notice.

Final publicity date expired: 17th May 2025.

No representations were received as a result of the publicity. The amended plans were not re-publicised as these did not fundamentally change the development applied for; the description of development was altered as the front dormer has been removed.

Parish/ Town Council Comments

N/A.

Consultations

KC Conservation and Design: The proposal, due to the design and prominence of the dormers, would lead to less than substantial harm upon the setting of the Conservation Area.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- 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 12th 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

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

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

1 – Principle of development:

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 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”.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact upon visual amenity (including impact upon heritage asset)

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Paragraph 5.27 of the SPD sets out that dormer extensions should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

Paragraph 5.13 of the SPD sets out front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Paragraph 5.14 provides the following guidance for front extensions:

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

Impact upon the Conservation Area

The application site is located within Birkby Conservation Area. 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. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Paragraph 215 the NPPF is clear, that where development leads to less than substantial harm, it is necessary to for demonstrable public benefits that outweigh that harm or, in the case of less than substantial harm this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

Rear dormer

Paragraphs 5.24, 5.25, 5.26 and 5.27 relate to dormer extensions. Paragraph 5.17 provides the following guidelines:

Dormer windows should:

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane;*
and
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

The application seeks permission for the erection of rear dormer and a front extension. The proposed rear dormer is large in scale, designed with a dual pitched roof, and finished in white cladding. It is noted that were the development to be considered acceptable with a differing colour finish a condition controlling its colour finish could be imposed by the LPA.

However, the dormers would occupy a significant proportion of the roof slope and would not be set down from the ridge. As a result, they would constitute a visually dominant and unsympathetic addition that would be at odds with the form and proportions of the host dwelling. Although the dormers are located at the rear of the dwelling, they would still appear as prominent additions and would be visible in certain views from within the Conservation Area, including from Wheathouse Grove.

Furthermore, they would be visible from private viewpoints in neighbouring gardens. While these may not constitute public views, they nonetheless contribute to the way the heritage asset is experienced within its surroundings. This cumulative impact would erode the visual balance of the host property and the wider character of the Conservation Area. Within the immediate area, small, modest front dormers are a characteristic. The proposal would introduce a substantially larger dual-pitched dormer, which is not typical of surrounding roof forms and would appear incongruous when compared with neighbouring properties. This deviation from the prevailing architectural design and form would result in a design that is unsympathetic to the existing built context.

The applicant's agent has sought to justify the proposed scheme by amending the original proposal, including the omission of the front dormer and altering the design of the rear dormer from a flat roof to a dual-pitched form. The applicant's agent has indicated that the roof pitch of the host property would not accommodate smaller dormers, such as that characteristic of surrounding properties, due to constraints on the internal headroom. Notwithstanding this explanation, officers consider that this justification does not outweigh the visual harm resulting from the proposed dormers. The scale and design of the dormers would remain visually dominant and unsympathetic to the host property, and their approval would result in less than substantial harm to the character and appearance of the Conservation Area.

In line with paragraph 215 of the NPPF, this harm must be weighed against any public benefits arising from the development. The scheme would provide additional living accommodation by utilising the roof space, resulting in a larger dwelling. While this represents a modest public benefit in terms of housing provision, it is considered insufficient to outweigh the visual harm caused to the host property and the character of the Conservation Area. Consequently, the proposal fails to comply with the aims of Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

Front extension

Paragraphs 5.13 and 5.14 of the Council's Householder SPD relates to front extensions. Paragraph 5.13 sets out that front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Paragraph 5.14 provides the following guidelines:

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened; and*
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*

- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.*

The submitted scheme proposes a shallow mono pitch roof which, by virtue of its limited pitch, would appear almost flat when viewed from the street. This design approach would result in a bulky and visually awkward addition that would appear prominent and incongruous within the wider street scene. Such a form of development would fail to respect the proportions and architectural character of the existing dwelling and would conflict with the established rhythm and uniformity of the surrounding terrace, contrary to the design principles set out within Policies LP24(a) and (c) of the Kirklees Local Plan.

The design of the proposed front extension could be improved through the incorporation of a pitched gable end, which would have more closely reflected the roof form of the host dwelling. The proposed extension would disrupt the symmetry of the principal elevation, which forms a visually prominent façade at the entrance to the housing estate and is widely visible from public vantage points, and from further afar along Blacker Road. The extension would project noticeably forward of the existing single-storey projection. Within the immediate street, the front extension would appear as a non-original and discordant feature. When considered alongside the proposed dormer extensions, the cumulative impact of the works would further erode the architectural integrity of the host property and detract from the character and appearance of the Conservation Area.

As set out above in line with paragraph 215 of the NPPF, this harm must be weighed against any public benefits arising from the development. The scheme would provide a larger entrance space, resulting in a larger dwelling. While this represents a modest public benefit in terms of housing provision, it is insufficient to outweigh the visual harm caused to the original property and the character of the Conservation Area. Consequently, the proposal fails to comply with the aims of Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – 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.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

In terms of overlooking, the proposal would result in two additional openings within the rear roof slope. These windows would serve a bedroom and wc. These openings would face onto the rear elevation of 16 Wheathouse Grove sited approximately 21m away. Officers consider that due to this spatial relationship, the proposal would not lead to any conflict between habitable windows of neighbouring properties. The windows would be around 13m to the rear garden of No.16, however given the existing relationship and back-to-back distances, officers are not concerned the proposal would detrimentally harm the existing level of privacy enjoyed by occupants of No.16.

In terms of overshadowing/ overbearing, the proposal would be confined to the rear roof slope and front elevation of the dwelling. The front porch is minimal in projection and height and is not considered to harm the amenity of any neighbouring occupants.

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 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. The front extension would extend onto some of the driveway, however the scale of the extension would not result in the significant loss of parking space. It is considered the proposal would retain

enough parking space to serve the dwelling and would not have a detrimental impact upon parking or highway safety.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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 – Other matters:

Ecology

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.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, 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.

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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

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.

The proposed development, by virtue of its scale, massing, and design, would form an incongruous addition to the host dwelling, having a harmful impact upon the visual amenities of the host property, wider locality and the character of the Birkby Conservation Area. The development would lead to less than substantial harm for which no sufficient public benefits have been demonstrated or are considered to exist more generally. The development is therefore contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, policies within the Councils House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2025/90866

Officer Recommendation: Refuse

Reasons

1. The proposed development, by virtue of its scale, massing, and design, would form an incongruous addition to the host dwelling, having a harmful impact upon the visual amenities of the host property, wider locality and the character of the Birkby Conservation Area. The development would lead to less than substantial harm for which no sufficient public benefits have been demonstrated or are considered to exist more generally. The development is therefore contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, policies within the Councils House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Prop Layout and Elevations	2443/01A	-	05/11/2025
Design and Access Statement and Heritage Statement	-	-	28/03/2025
Application form	-	-	28/03/2025
Climate Change Statement	-	-	08/04/2025

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. Amendments were sought and received during the course of the application, however these did not overcome officer concerns and the application was progressed to determination on the basis of the plans received 5th November 2025.

Low coal

