

**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:	2025/62/91104/W
Site Address:	13, Edgerton Green, Edgerton, Huddersfield, HD1 5RD
Description:	Erection of raised decking and formation of vehicular access
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 05-Mar-2026

The Site

3 Edgerton Green is a detached two storey property constructed from brick and render with a tiled roof. The property is located on the inside of a long sweeping bending with two elevation facing the road. To the front of the property is a large lawn. The property benefits from 2 separate drives leading to an attached single garage and double garage with a small covered walkway linking to the property. The property is surrounded by mixed style properties which are mainly 2-storey with the property immediately adjacent to the site to the NE being a bungalow which is at a slightly lower level and at right angles to the host property.

The Proposal

The applicant is seeking planning permission for erection of raised decking and formation of vehicular access.

The development proposes a raised deck to the north-east of the dwelling. The structure would begin at the front elevation and run along the side of the property, set 1.6 metres from the rear boundary and 1 metre from the side boundary. The maximum height of the deck would be 0.8 metres above ground level.

The proposal includes the resurfacing of the existing parking area located to the north of the dwelling. In addition, the parking area at the front of the property would be extended northwards, resulting in a hardstanding measuring approximately 13 metres in width by 7 metres in depth.

History of Negotiations

Amendments were sought to reduce the scale of the decking in the interests of residential amenity. Amended plans were received 17 February which addressed officer concerns and the application was progressed to determination on the basis of these plans.

Planning History

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

- **2018/91906:** Erection of extensions – Conditional full permission
- **2019/91007:** Non material amendment to previous permission 2018/91906 for erection of extensions – Approved
- **2020/90165:** Erection of extensions, raised decking and enlarged driveways (modified proposal) – 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.

Final publicity date expired: 7 July 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.

Parish/ Town Council Comments

N/A.

Consultations

No statutory consultations were requested for this application.

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

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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16th December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

Supplementary Planning Guidance

Kirklees Highway Design Guide (November 2019)
Kirklees Alterations and Extensions SPD

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.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon visual amenity
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon visual amenity

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.

The proposed decking would be positioned to the side and rear of the dwelling and would be visible from public vantage points along Edgerton Green. The structure would be constructed from timber, which would provide a traditional and domestic appearance appropriate to the character of the host dwelling. While timber is not a material currently featured on the main elevations of the property, its natural finish would ensure a sympathetic relationship with the surrounding setting and would complement the established landscaping to the rear. As such, the decking is considered to integrate satisfactorily within its context and would not appear incongruous or visually intrusive.

The decking would be set at the same level as the original garden and would extend out over the part of the site where the ground slopes down. This

responds to the natural change in levels across the garden and would create a practical, level outdoor space that is currently limited by the drop in ground levels. By keeping the deck aligned with the existing garden height, it would not appear overly raised or visually dominant.

In terms of its size, the decking would take up a reasonable portion of the plot in relation to both the dwelling and the overall garden area, while still leaving sufficient green space to the side and rear of the decking, as well as the entire lawned garden to the front. Overall, the scale and layout are considered proportionate and would not result in the overdevelopment of the site.

No new vehicular access points or dropped kerbs are proposed as part of the development. The works would instead involve the resurfacing of the existing parking area, together with a small extension of hardstanding to the north-east. Although the introduction of additional hard surfacing would result in a somewhat more prominent parking area, the lawned garden to the front would help to soften views of the parking area from the street scene.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

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.”*

12 Edgerton Green

No. 12, located to the north-east of the site, is a detached dormer bungalow sharing a common boundary with the application property.

In terms of privacy and overbearing, officers raised concerns with the applicant's agent regarding the original scheme, which showed the decking extending directly up to the shared boundary. Given its raised position, this arrangement was considered likely to result in unacceptable overlooking towards the rear elevation and garden of No. 12. Amended plans were submitted on 17 February 2026, and the revised plans show the decking set 1 metre in from the common boundary, resulting in an approximate separation distance of 5 metres between the edge of the deck and the rear elevation of No. 12. This amendment, combined with the modest height of the structure (0.8 metres) and the existing boundary treatment, would limit opportunities for direct overlooking. Officers are therefore satisfied that the proposal would not give rise to a harmful loss of privacy or an undue overbearing impact beyond the existing relationship between the properties.

In terms of overshadowing and loss of light, the decking is limited in height and scale and would not result in substantial massing along the common boundary. It is not considered to result in material overshadowing or loss of light to the neighbouring dwelling. Overall, for these reasons the proposal is considered to preserve an acceptable level of residential amenity for the occupiers of No. 12.

15 Edgerton Green

This property is located to the south of the site.

The structure would be limited in height, at a maximum of 0.8 metres, and would be positioned approximately 12 metres from the rear elevation of No. 15. This separation distance, together with the existing boundary treatments, provides a satisfactory buffer between the properties.

Given the modest scale and elevated height of the decking, it is not considered that the proposal would give rise to harmful overlooking, an overbearing impact, or a material loss of light. The outlook from No. 15 would remain similar to the existing situation, with the decking viewed within the context of the established garden setting. Furthermore, mature trees located to the rear of No. 15 would provide additional screening, filtering views of the development and further reducing any perceived impact.

On balance, officers are satisfied that the proposal would not result in a detrimental impact to the residential amenity of the occupiers of No. 15.

It is therefore considered that in terms of residential amenity, the proposal 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 policies 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 proposal would not increase the number of bedrooms on site, and it is assumed the number of occupants would remain as existing. The proposal would have a large parking area to the front, measuring 13m x 7m, and the driveway to the west would also be resurfaced. The submitted plans indicate the existing dropped kerbs would not be extended to serve the extended area of hardstanding. Due to the works required and to ensure drainage concerns are addressed, a condition regarding surfacing materials is essential from a highway safety and drainage perspective. Therefore, subject to conditions, the proposal is considered to be in accordance with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan, design principles of the SPD and the Council's Highways Design Guide.

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.

Planning History

The planning history for the site is noted, in particular the recent permission (2020/90165) which was amended to re site the patio. There is considered to be a number of differences between the proposal and the scheme the subject of 2020/90165. In particular the previous scheme was a higher patio level and also sought to change land levels. In this case the decking is a lower level and accommodates the existing land level changes. On balance it is considered that coupled with the timber materials of construction the revised scheme the subject of this application represents a revised scheme from that of 2020/90165 and is concluded to be, on balance, acceptable as set out earlier in this report.

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/91104

Officer Recommendation:

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).

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 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

3. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Council's adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Block/Site Plan	-	-	17/02/2026
Proposed Decking	-	-	17/02/2026
Application form	-	-	06/05/2025
Climate Change Statement	-	-	06/05/2025

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 to reduce the scale of the decking in the interests of residential amenity. Amended plans were received 17 February which addressed officer concerns and the application was progressed to determination on the basis of these plans.

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