

**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>2025/62/91150/E</b>
Site Address:	155, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DX
Description:	Erection of raised deck to the rear
Recommending Officer:	Elenya Jackson

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 25-Jul-2025**

## **OFFICER REPORT**

### **Site Description**

155, Commercial Road, Skelmanthorpe, Huddersfield, is a two storey dwelling which is set back from the street scene by a driveway and front garden.

The site benefits from a rear private garden which looks out onto undeveloped field.

The immediate vicinity of the site is not uniform in design in terms of scale or design.

The site is within a low risk coal area.

### **Description of Proposal**

This application seeks planning permission for the erection of decking to the rear elevation of the dwelling.

The decking would extend 2.4m beyond the rear elevation of the dwelling and will stand at 1.8m high.

### **Relevant Planning History**

N/A

### **History of Negotiations**

No alterations were requested during the course of the application.

### **Representations**

The application was advertised by site notice which expired on 20.05.2025. No representations have been received as a result of site publicity.

### **Consultation Responses**

No formal consultations deemed necessary.

### **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. 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.

### Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP 22** Parking
- **LP 24** – Design
- **LP57** – Extensions and Alterations

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### 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 2023, and 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 12 – Achieving well-designed places
- Chapter 15- Conserving and enhancing the historic environment

### Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity

- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

### 1) Principle of development

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the construction of extensions to the host dwelling.

Chapter 13 of the NPPF requires Local Planning Authorities to give substantial weight to any harm to the green belt. Development in the Green Belt is considered inappropriate unless exceptions apply. These exceptions include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An 'original building' is defined in the NPPF glossary as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received

### 2) Impact on visual amenity and Green Belt

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not

dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

The proposal would not be visible from the street scene as it relates to the rear of the dwelling. It is considered that the inclusion of decking would not be out of keeping with the use of the site and would not significantly detract from the area.

The site does not benefit from any previous extensions and the proposed decking would not significantly increase volume of the dwelling. It is considered that the proposal would not impact the openness of the Green Belt.

It is considered that the proposal would comply with Policy LP57 of the Kirklees Local Plan and the aims of Chapter 13 of the NPPF. The proposed extensions would be in-keeping with the character of the host building and integrate with the rural character of the area.

### 3) Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (c), which sets out that proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principal of overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

157 Commercial Road: adjoins the application site to the east.

Overlooking: There is currently a fence between the properties and some vegetation. It is noted that the raised platform would be positioned in close proximity to the boundary line. Due to its elevated position and proximity, the landing would create a viewing platform which may impact upon the privacy of the adjoining neighbour. Therefore, to alleviate any undue harm, in the event that planning permission be approved, a condition is recommended to be attached requiring a 1.8m high obscure glazed screen to be installed to the south-eastern side of the raised platform and retained thereafter.

Overshadowing/loss of light/overbearing: The proposal would be located to the west of no.157, marginally set off of the shared boundary. It is considered that due to the orientation of the dwellings and the existing relationship between the properties, the erection of decking would not raise any significant concerns regarding overshadowing/loss of light or overbearing.

There are no further adjacent neighbours that would be impacted by the development.

### 4) Impact on highway safety

It is considered the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

#### 5) Other matters

##### *Carbon Budget*

The proposal is a small-scale development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

#### 6) Representations

No representations have been received because of site publicity.

#### 7) Proposed conditions

Standard time conditions

In accordance with approved plans

Screening

#### 9) 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.

As set out above, 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**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/91039

**Officer Recommendation:** Approve

**Conditions 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 with Policies LP1, LP2, LP3, LP7, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

4. Upon first construction, a 1.8m high privacy screen shall be installed to the eastern side of the raised platform and retained thereafter in perpetuity.

**Reason:** In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 3 of the House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	-	6.05.2025
Proposed Elevations	-	6.05.2025
Existing Elevations	-	6.05.2025

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 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. No alterations have been sought during the course of the application.