

**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:	2025/62/91195/W
Site Address:	The Bungalow, 16, Kaye Lane, Linthwaite, Huddersfield, HD7 5RJ
Description:	Erection of first floor extension and raising of roof and eaves height
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.

John Holmes

AUTHORISED OFFICER

Date: 15-Aug-2025

Officer Report – 2025/91195

Site Description

The application site refers to The Bungalow, 16, Kaye Lane, Linthwaite, Huddersfield, HD7 5RJ, a detached bungalow faced in brick and render, with a pitched, gable concrete tiled roof, and oak effect PVC windows and doors. The application property lies in a relatively varied street scene, being surrounded by dwellings of differing sizes, scales, appearances, and ages. Furthermore, the application property benefits from a small hard-standing parking area and limited amenity space to the front, as well as amenity space to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for the erection of a first floor extension and raising of roof and eaves height.

Supporting Information

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

- Climate Change Statement

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

17/07/2025 – Planning Drawings Standard Pitched Roof (04)

History of Negotiations / Amendments Received

The case officer requested that consideration was given to the reduction in the scale of the originally proposed dormer, or the raising of the roof height at the property rather than the initially pitched dormer which was considered overpowering to the roof plane and street scene. Following this recommendation, the applicant submitted plans detailing the erection of a first floor extensions and raising of roof and eaves height which was considered acceptable.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2009/91742 – Erection of first floor side extension and raise height of roof to provide living accommodation – Conditional Full Permission.

Representations

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

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was the 14/08/2025.

No third party representations have been received.

Allocation and Policy

The application site is located within the proximity of COL/65/10, in a Strategic Green Infrastructure Network area as identified within the Kirklees Local Plan and also falls within, a bat alert layer and a twice buffer.

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
- LP31 Strategic Green Infrastructure Network

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

Supplementary Planning Documents / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- House Extension and Alterations Design Guide
- The Biodiversity Net Gain Technical Advice Note

Legislation

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

Assessment

1 – Principle of 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.

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”.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on character and appearance of the area:

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’*.

Paragraph 5.32 of the House Extensions and Alterations SPD is relevant, which sets out ‘Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually unacceptable where the roof pitches and heights in the street scene are consistent.

It is considered that the proposal promotes good design by utilizing materials to match the existing building, furthermore, the addition of an extra floor in the building, that is currently a bungalow, is considered to have no significant impact on the street scene as the dwelling is neighboured by multiple two-storey properties.

The proposed development is therefore considered to comply with the relevant policies and is acceptable with regard to visual amenity.

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.

As the footprint of the dwelling will not increase and the property will only be extending upwards, given the adequate distance between the application property and neighbouring dwellings, it is considered that there will be no significant impacts with regard to overshadowing, overbearing, light, and outlook would occur.

Moreover, as there are no additional windows proposed in the side elevations of the dwelling, it is also considered that there will be no significant impact upon overlooking and the privacy of neighbours as properties to the North West and South East are an adequate distance.

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.

Although nothing specific is detailed within the submitted plans, it is considered that there is adequate space on site for waste storage.

Despite the increase in the number of bedrooms as a result of the proposal and that there is only space for one off-street parking space on the application site, the applicants have the ability to use spaces adjacent to the dwelling on the opposite side of Kaye Lane, therefore, this would give the property an acceptable off-street parking provision. Moreover, the development is set well back from the nearest highway and as such is concluded to have no significant impact upon highway safety.

In this case it is considered refusal on grounds of off street parking provision to serve the dwelling could not be substantiated given the extent of existing parking provision in proximity to the dwelling and within the curtilage.

It is therefore considered that in terms of access and highway safety/parking the proposed extension 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 and twite buffer, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats or twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or twite population. An informative would be included making the applicant aware that if bats or twites 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: 2025/91195

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).

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. 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 and be retained thereafter.

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 regulations 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.

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Layouts and Elevations	01	-	12/05/2025
House Planning Drawings Standard Pitched Roof	04	-	17/07/2025

Plan Type	Reference	Version	Date Received
Application Forms	-	-	12/05/2025
Climate Change Statement	-	-	12/05/2025

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. The case officer considered it necessary to seek amendments that would remove the initially proposed front dormer extension due to its dominance over the roof of the existing property. Following this, the applicant submitted amended plans showing the erection of a first floor extension via raising the roof and eaves height of the property, which was considered acceptable.

Report Dated:

14/08/2025