

# **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>2025/62/91389/W</b>                                                  |
| Site Address:         | 25, Moorland Rise, Meltham, Holmfirth, HD9 5NA                          |
| Description:          | Erection of first floor extension, front porch and detached garden room |
| Recommending Officer: | Molly Storer                                                            |

**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: 28-Jul-2025**

## **Officer Report**

### **Site Description**

The application site refers to 25 Moorland Road, a detached, two storey dwelling located in the area of Meltham, Holmfirth. The property is constructed from red brick and concrete tiles and hosts an integral garage to the side.

The property benefits from a driveway to the front and garden amenity space to the rear. The site is located in a residential area, surrounded by properties that vary in terms of design. Many of the dwellings on the street have been extended or altered in some form.

### **Description of Proposal**

The application seeks planning permission for the erection of a first floor extension, front porch and detached garden room.

#### **First floor extension**

The proposed extension would project to the side by 2.9 metres. The extension would be 3.7 meters in length, located above the existing ground floor garage. It is proposed that the eaves height would be match the existing at 5.1m and the existing roof ridge with an overall height of 7.5m. Construction materials would be brick and render.

#### **Single storey front extension**

The proposed front extension would extend 1.5m from the front elevation and will have a width of 2.4m. The height to the eaves would be 2.8m with a gable roof and an overall height of 3.5m. Construction materials would be brick and render.

#### **Detached garden room**

The detached garden room will have a footprint of 5m x 4m. It will have a shallow pitched roof with an overall height of 3m and will be constructed of oak cladding.

### **History of negotiations/amendments received**

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

### **Relevant Planning History**

None

### **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice.

Final publicity date expired 18<sup>th</sup> July 2025 – No representations were received.

Meltham Town Council – No objections.

### **Consultation Responses**

None required

### **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan. However, it is located within an area with a known presence of bats.

#### Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

#### Supplementary Planning Documents:

- House Extensions and Alterations SPD

### 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 6<sup>th</sup> 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

### Legislation

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

### **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) 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Conservation Area, as well as other matters which are discussed as follows.

## 2 – Impact on visual amenity

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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 and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

With specific regard to the proposed development the SPD states the following:

### *Front Extension*

The SPD clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported 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.

With regards to the proposed front extension, it will be situated well back from the pavement due to the driveway at the host property. Due to its limited projection and usage of matching materials, being single storey in height and not effecting first floor windows, it is considered to be subservient to the original building, alleviating harm to the character of the house or the local area. It is therefore considered that the single storey front extension relates satisfactorily to the host building and will have an acceptable impact on visual amenity

### *First floor side extension*

Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. Section 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

With regards to the first floor side extension, it is important to note that no additional floor space will be taken up on the ground floor due to the extension being proposed above the existing garage. Although most of the area to the side of the property will be taken up and a 1m gap to the boundary will not be maintained due to the existing garage, the original gap between the property and the boundary will be as existing. Access to the rear garden will be retained. The extension will be set back but not down from the existing dwelling however in this isolated case this is considered acceptable due to the design matching that of the adjoining neighbour and having matching materials to the existing dwelling, creating a visually sympathetic design.

### *Outbuilding*

Section 5.6 of the Supplementary Planning Document refers to the general rules in relation to outbuildings, and its states:

“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and

architectural features of the existing house and not be detrimental to the space around the building”

Outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”

With regards to the detached garage, it will be set back approximately 20m from Moorland Rise behind the existing property and therefore will not be visible from public view. With regard to the scale of the proposed outbuilding, the total garden space at the property is of a sufficient size to accommodate this without appearing cramped. Furthermore, the outbuilding will have a shallow pitched roof with a maximum height of 3 metres, reduce undue massing. In turn, the siting and design works to mitigate undue bulk or massing from the overall appearance of the outbuilding. The proposed construction materials of oak cladding will create a modern appearance whilst blending in with the rear garden.

In terms of Key Design Principle 7 of the SPD in relation to outdoor space, due to the size of the curtilage of the property, especially to the rear, it is not considered that this would be significantly compromised as a result of the works.

It is therefore considered that the works relate satisfactorily to the host building and have an acceptable impact on visual amenity, and an identified heritage asset in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to Key Principles 1, 2 and 7 of the Supplementary Planning Document on House Extensions and Alterations (SPD) and policies within Chapter 12 of 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.

There are proposed openings within the front elevation of the side extension and front extension and within the rear elevation of the side extension.

In terms of the impact of the proposal on the properties facing the front elevation of the property, 30 metre separation distance between dwellings and habitable room windows would be maintained. In addition, these windows would not extend closer than those existing, creating a shorter outlook to the properties at the front than already exists and therefore refusal on such a basis could not be reasonably substantiated in this case.

There are no proposed openings within the elevations facing 27 Moorland Rise. Therefore, this mitigates any harm from overlooking at close quarters from this elevation. The detached outbuilding will maintain a 1m separation distance to the boundary with this property and due to the existing boundary fence and limited height, it is considered that this will not have any significant overbearing/overshadowing impact.

In terms of the rear elevation opening on the first-floor side extension, this would face the garden area of the property and the dwellings beyond the rear elevation. These have a separation distance of 20m which is no less than the existing arrangement. Therefore, it is not considered that the proposed works would cause undue harm from overlooking.

In terms of overshadowing and/or overbearing impact to No.23, the distance between the side elevation of this property and the host property would remain the same due to the side extension only being built at a first floor level. There is a window within the north elevation of No.23 which would face the extension however this would most likely be a secondary/non-habitable room window and could not justify refusal on this basis. There are no windows proposed in the side elevation facing this property and therefore privacy will not be significantly impacted.

Due to the size, scale and location of the proposed front extension, this element of the proposal is considered to cause limited harm in this regard and therefore complies with the SDP.

To conclude, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 property would remain as a 3 bedroom property. As such, the SPD requires 2 no. off-street parking spaces to be provided. In this case, two parking spaces could be created on the existing driveway and one would remain in the garage.

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.

## 5 – Other matters:

### *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 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.

### *Biodiversity*

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.

The application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

## 6 – Representations:

No representations 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:** 2025/91389

**Officer Recommendation:** Approve

### **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 51 of the Planning and Compulsory Purchase Act 2004.

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, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the

House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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                       | 2423             | -              | 20/05/2025           |
| Proposed Site/Block Plan            | 2423             | -              | 20/05/2025           |
| Existing Elevations and Floor Plans | 2423 01          | -              | 20/05/2025           |
| Proposed Elevations and Floor Plans | 2423 02B         | -              | 29/05/2025           |
| Application Form                    | -                | -              | 20/05/2025           |
| Climate Change Statement            | -                | -              | 20/05/2025           |

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 did not undertake any negotiations with the applicant due to the application being considered acceptable in its submitted format.

**Report Dated: 21/07/2025**