

**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>2025/62/91627/W</b>
Site Address:	42A, Station Road, Fenay Bridge, Huddersfield, HD8 0AD
Description:	Erection of two storey extension to side and front, balcony to rear and associated external alterations
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: 04-Sep-2025**

## **The Site**

The site relates to 42A, Station Road which is a detached dwelling located in Fenay Bridge, Huddersfield. The dwelling is split level and integrated with the typography of the land whereby the front/ east facing elevation is single storey in height and the rear/north facing elevation is two-storeys in height. 42A, Station Road is surrounded by a lawned garden, however due to the difference in land levels, the garden to the rear/north is at a significantly lower ground level to the original dwelling. The dwelling is finished in stone with white PVC windows a pitched roof incorporated above.

The dwelling is set well back from Station Road and is screened by existing dwellings to the east. Pedestrian and vehicular access can be taken from Station Road.

## **The Proposal**

The applicant is seeking planning permission for erection of two storey extension to side and front, balcony to rear and associated external alterations.

The proposed extension projects from the south-facing side elevation of the dwelling and projects forward of the front elevation of the host, forming an 'L' shape dwelling. The total measurements of the extension are as follows:

- 6m width
- 12m length
- 4.1m eave height
- 5.4m ridge height

The extension is finished in a combination of stone, render and composite cladding. The entire south and east facing elevations are finished in render, the ground floor north elevation is finished in coursed stone, and the first floor north and west facing elevations are finished in composite cladding.

With regard to fenestration, rooflights are proposed to the north-facing elevation and one first-floor window to the east facing elevation. Bi-folding doors are proposed to the west-facing elevation with a gable-end window proposed to the first floor.

A balcony is proposed across the rear of the original house and extension, having a span of approximately 17m.

### **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered significant amendments would be required to overcome the harm of the development. The application has been progressed to determination on the basis of the scheme as submitted.

### **Planning History**

There is no planning history for the site which is considered relevant to the current proposal.

### **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: 15<sup>th</sup> August 2025

3 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

#### **Letters of objection**

- The submitted information is misleading, the extension would not be hidden from public view
- There would be a large ground floor window in the extension which would directly face No.44.
- The development would be overbearing, overshadow the garden of No44, and reduce the outlook of No.44.
- The proposal would overdevelop the site given the dwelling being built next-door.
- The plans do not show the new dwelling next door, which is misleading and creates a false perception of space in the plot.

- The footprint of the extension is disproportionate to the original house.
- The applicant may require permission from the relevant water authority and / or a build-over agreement regarding sewerage pipes from 44, 46 & 48 Station Road that travel directly across the land where this extension is planned
- There is a big tree in the neighbouring garden which could fall due and impact the extension due to the close distance.
- The extension will change the character of the area and is not in keeping with surrounding properties.
- The extension would be disproportionate to the host and would leave virtually no external amenity space
- Each property surrounding the existing dwelling is in keeping with the other, affording no undue noise or disturbance and no loss of light and privacy from neighbours. The application to build this extension disturbs this norm, which has been appreciated since the original build of the surrounding properties, none of which are overbearing on the other

### **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).

The site is unallocated within the Kirklees Local Plan (adopted February 2019). The site does fall within an area with a known presence of bats and an area identified by the Mining Remediation Authority as being at higher risk of land instability as a result of former mining activity.

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 12<sup>th</sup> 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: -

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural 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.

### **Assessment**

#### **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”.

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**

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.

### Two storey extension to side and front

Paragraph 5.19 of the House Extensions and Alterations SPD sets out that two-storey side extensions can have a significant effect 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. It goes on, at paragraph 5.20, to state that 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.

Also of relevance to the consideration of this application is Paragraph 5.13 of the SPD and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.

The proposed extension projects approximately 6 metres from the side elevation of the host dwelling and extends forward of the principal elevation, forming a two-storey addition. It continues the existing eaves and ridge height of the original property and is not set down, resulting in a substantial and visually bulky form when viewed from the front, particularly on approach from Station Road. The combination of the significant forward projection and two storey height creates an extension that is neither subservient nor proportionate to the original dwelling. This impact is further heightened by the original dwelling's single-storey scale when viewed from this aspect. As such, the proposal would result in an overly dominant and incongruous addition that fails to respect the scale, form, and character of the host property. As such, the extension is considered to have an unacceptable impact on visual amenity and would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan.

Although the dwelling is set back from Station Road and is not overly prominent from this viewpoint, the sloping nature of the surrounding landscape results in it being clearly visible from public vantage points to the west. While the front elevation is located in a more discreet position, this would not overcome the harm the proposed development would cause to the character of the original dwelling or its impact on the wider street scene when viewed from the rear.

The proposed extension would be finished in a variety of materials including coursed stone, render, composite cladding with a tiled roof to match the host dwelling. There is a mixed material palette surrounding the site comprising brick, stone, and render, with the application property finished in coursed stone. The cladding would introduce a material which is not common within the vicinity and its prominent location would intensify the visual impact. This, combined with the large scale of the extension, would form an incongruous addition which

would be inharmonious with the host property, forming an unsympathetic feature and contrary to the aims of LP24c.

### Balcony

Section 5.28 of the Council's SPD relates to balcony extensions: Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

A balcony is proposed on the west-facing elevation, extending across both the existing building and the proposed extension. Due to its position, the balcony would be prominent when viewed from the west and visible from broader public vantage points within the valley. However, its modest scale and use of lightweight materials to the rear would help it maintain a visually unobtrusive and lightweight appearance, preventing it from appearing incongruous in the wider landscape. At ground level, existing west-facing openings would be enlarged to accommodate two sets of sliding doors. These alterations are considered to have minimal visual impact and are therefore considered to be acceptable in terms of visual amenity.

Taking into account all the above, it is considered that the proposal would not be a subservient addition to the host property and by virtue of its location, design, scale and massing, would cause detrimental harm to the host property and wider locality. The proposal is therefore not considered to comply with the policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

### **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.*”

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

*44, Station Road – located east of the application site.*

The proposed extension would bring the total bulking and massing closer to the common boundary, retaining a separation distance of around 1m. The oblique angle of the two dwellings in relation to another would result in no significant overshadowing or overbearing as a result of the development. The submitted plans indicate the provision of one first-floor window on the east-facing elevation, which would serve a non-habitable room (bathroom). It is considered necessary that this window be obscure glazed and a condition in place to ensure this is the case in the event of any grant of permission. Given the nature of the room, and subject to condition, this window is not considered to adversely affect the amenity of the occupiers of No. 44. The placement of other openings within the proposal is such that it is considered there would not be direct overlooking between the proposal and no.44.

*25 & 23, Fenay Drive*

These dwellings are located to the rear of 42A, Station Road at a lower ground level.

The proposal would result in additional glazing and a balcony to the rear, however due to the orientation of these dwellings in relation to No.42A, as well as the separation distance (approximately 17-19 metres), as well as the topography between the properties, it is considered that the development would not result in significant overlooking, and it is considered that any impact upon privacy would be acceptable.

In addition to the above, although these neighbours are located at a lower ground level, given the separation distances between the host property and these dwellings it is considered that the separation distance would mitigate any harmful impacts of overbearing or overshadowing. Due to these reasons, the development is considered to have an acceptable impact upon the amenity of No's. 25 and 23.

#### *24, Fenay Drive*

This dwelling is located to the rear of 42A, Station Road, at a separation distance of approximately 35 metres away. The proposed glazed gable feature would directly face this dwelling. The Council's SPD recommends a minimum separation distance of 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms, and no less than 21 metres is recommended between facing windows of habitable rooms. It has been assessed the development would exceed this recommended separation distance, therefore it is not considered that the development would result in a harmful loss in amenity for occupants of No.24.

#### *1, Poplar Bank*

This dwelling is located south of 42A. The side and front extensions would be set approx. 1 metre from the common boundary with a further distance of approximately 8.7 metres from the side elevation of the extension to the side elevation of No.1. The submitted elevation also shows there would be a blank elevation facing No.1.

From a site visit, it was also apparent there is boundary treatment in the form of a hedge which would screen some of the bulk and massing of the development. As a result, taking account of the distance between the properties and their orientation with the front and rear of no.1 being the main outlook for this property as well as the size and scale of the development it is considered the proposal would have an acceptable impact upon the amenity of these neighbouring occupiers.

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.

There is considered to be sufficient space for the off street parking of three vehicles within the curtilage of the property. The application does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to parking / 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. In the event of any grant of permission an informative note would be included drawing the attention of the developer / applicant to the fact bats are a protected species by law and actions required to be undertaken were they to be encountered.

### *Land Stability*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land

instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 197 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

The application site falls within an area at higher risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided in the event of any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

### *Climate Change*

On 12<sup>th</sup> 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.

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

A Climate Change statement has been submitted with this application. This sets out consideration of utilising an air source heat pump at the site and installation of additional insulation. Use of local materials is set out in the statement also. Considering the submitted detail and 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.

### *Supporting Information Document*

As part of the application a document titled 'Supporting Information' has been submitted. This references pre application advice which was sought and provided by the LPA. The content of this document is noted and taken into account in the assessment of this application.

## **6 – Representations:**

3 letters of objection have been received as a result of the publicity of this application summarised below:

- The submitted information is misleading, the extension would not be hidden from public view

*Officer response: This is noted. The submitted plans are considered acceptable for the purpose of assessing the application. The impact upon visual amenity has been assessed under section 2 of this report.*

- There would be a large ground floor window in the extension which would directly face No.44.

*Officer response: This is noted. The impact upon residential amenity has been assessed under section 3 of this report. It has been assessed the development would not result in any detrimental overlooking impacts.*

- The development would be overbearing, overshadow the garden of No44, and reduce the outlook of No.44.

- *This is noted. The impact upon residential amenity has been assessed under section 3 of this report. It has been assessed the development would not result in any detrimental overbearing or overshadowing impacts or significantly reduce the outlook of any neighbouring properties.*

- The proposal would overdevelop the site given the dwelling being built next-door.

*This is noted. The submitted plans are considered acceptable for the purpose of assessing the application. The impact upon visual amenity has been assessed under section 2 of this report.*

- The plans do not show the new dwelling next door, which is misleading and creates a false perception of space in the plot.

*Officer response: This is noted. The impact upon visual amenity has been assessed under section 2 of this report.*

- The footprint of the extension is disproportionate to the original house.

*Officer response: This is noted. The impact upon visual amenity has been assessed under section 2 of this report.*

- The applicant may require permission from the relevant water authority and / or a build-over agreement regarding sewerage pipes from 44, 46 & 48 Station Road that travel directly across the land where this extension is planned.

*Officer response: The scale of the development is such that it is considered it would be unreasonable of the LPA to require a scheme of surface water drainage arrangements in this case particularly having regard to the requirements of building regulations and fact separate legislation is in place which controls this matter including any requirement for building over sewers.*

- There is a big tree in the neighbouring garden which could fall due and impact the extension due to the close distance.

*Officer response: This is noted. Kirklees Council tree officers have not been consulted during the course of this application as this tree is not subject to a TPO and its removal could be undertaken in any event. Any requirement to remove to accommodate the development or damage would be a private civil matter between the relevant land owners.*

- The extension will change the character of the area and is not in keeping with surrounding properties.

*Officer response: This is noted. The impact upon visual amenity has been assessed under section 2 of this report.*

- The extension would be disproportionate to the host and would leave virtually no external amenity space.

*Officer response: This is noted. The impact upon visual amenity and the amenity space has been considered under section 2 of this report.*

- Each property surrounding the existing dwelling is in keeping with the other, affording no undue noise or disturbance and no loss of light and privacy from neighbours. The application to build this extension disturbs this norm, which has been appreciated since the original build of the surrounding properties, none of which are overbearing on the other.

*Officer response: This is noted. The impact upon visual amenity has been considered under section 2 of this report. The impact of the proposal in terms of construction noise / dust and the accessing of the site by construction vehicles is such that it is considered it would be unreasonable of the LPA to insist upon a scheme measure to control noise / dust emissions in this case given the scale of the development proposal. The impact of the proposal upon the residential amenity of neighbouring occupiers is assessed under section 3 of this report.*

## **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 not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**REFUSAL**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2025/91626

**Officer Recommendation:** Refuse

**Reason:**

1. The proposed development by virtue of its design, scale and massing would not be of a subservient addition to the dwelling and would appear as an incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance

of the dwelling and the wider locality. The development is therefore contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PP-14094793v1	-	13/06/2025
Existing Floor Plans	01	-	07/07/2025
Existing Elevations	02	-	07/07/2025
Site Plan & Roof Plan	05	-	07/07/2025
Proposed Elevations	04	-	07/07/2025
Proposed Floor Plans	03	-	07/07/2025
Application form	-	-	13/06/2025
Supporting Information	-	-	13/06/2025
Climate Change Statement	-	-	17/06/2025

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.

No amendments have been sought in the processing of this application as it was considered significant amendments would be required to overcome the harm of the development. The application has been progressed to determination on the basis of the scheme as submitted.

**Report Dated:**

02/09/2025

High coal