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:	**2025/62/91723/E**
Site Address:	123, Upper Batley Lane, Batley, WF17 0NW
Description:	Erection of rear extension and rear balcony extension
Recommending Officer:	Faiza Bano

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.

Emma Thompson

AUTHORISED OFFICER

Date: 30-Sep-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2025/91723
Location	Erection of rear extension and rear balcony extension
Proposal	Erection of rear extension and rear balcony extension
Publicity end date	8th August 2025
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	Unallocated within the Kirklees Local Plan. The site does fall in an area with a known presence of bats and within an area identified by the Mining Remediation Authority as being at lower risk of land instability as a result of former mining activity.
Extension to Time (EoT)	**Yes – 30th September 2025**
Recommendation	Conditional Full Permission

	NO	**YES**
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications,

observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	It is noted that the drawings referenced under "25/67/B – Proposed Floor Plans & Elevations" are incorrectly labelled. To avoid any confusion, for the avoidance of doubt these drawings are to be treated as proposed plans.
Parish/Town Council comments sought (Kirkburton)	No	N/A
Planning History	Yes	**97/90854:** Erection of Two Storey Extension - Conditional Full Permission **2000/91769:** Erection of Conservatory and Garden Store - Conditional Full Permission
Consultations required	No	N/A

Assessment

The Kirklees SPD sets out that balconies should comply with certain parameters set out at paragraph 5.26 on page 32 (and listed below) and if they do not, they need to be justified:

Balconies and roof terraces should be:	**Yes - COMPLY**	**No - JUSTIFY**

Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.	The proposed balcony is not screened; however, this is considered to be acceptable in this instance due to the topography of the site as well as the relationship to adjoining land and buildings. The setting of the neighbouring dwellings is such that overlooking and loss of privacy is avoided. Balconies are also a prominent feature along the street scene. due to the topography of the site, the size and scale of the balcony and fact it is sited to a detached dwelling the proposed balcony will not significantly impact upon privacy and is not considered to lead to a detrimental level of overlooking of neighbouring properties. The application site is well screened along the boundary shared with 119 Upper Batley Lane and 18 Lark Hill and along with the position of the balcony, there are no concerns regarding privacy and overlooking. There is an existing balcony in place and this proposal extends the length of the balcony across the rear, which is considered acceptable.	
Sited away from locations that are sensitive to additional noise levels or disruption.	Yes – the development would not have a significant impact in this regard.	

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.2 on page 23 (and listed below) and if they do not, they need to be justified:

Rear Extensions Should:	**Yes - COMPLY**	**No - JUSTIFY**
respect the original house and garden in terms of its size and scale	Yes – the extension does not cover more than half of the total area around the original house. The proposed extension replaces the existing conservatory and projects out by approximately 2.7m which is considered acceptable due to the distance between the applicant site and neighbouring properties. The proposed development would have an eaves height of 2.4m from ground floor level. Ample garden space will be retained to the rear of the house.	
use appropriate materials which match or are similar in appearance to the original house; and	Yes - to match existing	
not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.	The proposed extension will not result in any adverse overshadowing or loss of outlook impact due to the modest set in and modest height of the extension being single storey.	

Design and Visual Amenity:

Summary of local street scene/character:

The site to which the application site relates to is 123, Upper Batley Lane, Batley, WF17 0NW. The property is a two-storey detached dwelling constructed from brick and roofed with grey concrete tiles. The property

benefits from a garden to the front, and a garden to the rear. The property is situated within a residential area and the street scene encompasses of several dwellings of a similar and mixed character appearance and scale.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposal is of an acceptable scale and design and would see alterations which are considered to be in keeping with the character of the host property and wider locality in this case.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The original property would remain the dominant feature. Due to the small scale of the balcony and rear extension, it would be subservient to the original house. The additional openings to the roof and replacement openings are not considered to have any significant negative impact to the original house having regard to their design.	✓

Height, scale and massing	• KDP 1 and 2 of the SPD Policy • LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As above. The balcony and single storey extension would project across the rear of the property. In addition, the lightweight appearance will reduce its impact the external alterations proposed are not considered to significantly impact in this regard.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The submitted application form sets out the intention to match the existing materials – brick and upvc for construction. The plans set out the colour finishes and use of glazing to the balcony. Taking account of the submitted plans and application form it is considered the proposal would be acceptable in terms of materials and a condition requiring the development is undertaken in accordance with the submitted detail is considered to ensure this would be the case.	✓
Window proportions	• KDP 1 and 2 of the SPD Policy • LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Modest size windows, including roof lights, which would be in keeping with existing building.	✓

Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would provide easy access into the main house.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 18 Lark Lane – The proposed balcony will not have any impact on No. 18, as it is situated on the opposite side of the shared boundary. The single-storey rear extension is intended to replace the existing conservatory and will extend across an additional width of 3.5m, away from No. 18. Furthermore, the rear building line of the application site projects beyond that of No. 18. Given the spatial arrangement and separation between the two properties, it is considered that the proposal will not result in any adverse impact on the amenity of No. 18.

- 119 Upper Batley Lane – The proposed balcony will not affect the privacy or outlook of No. 119. An existing balcony is already present along the rear elevation of the application site, and the proposed changes are not considered to materially alter the current situation. Additionally, the side elevation of No. 119 does not contain any habitable room windows that would be affected by the proposal. While the development may introduce additional built form to the rear, the separation distance between the proposed works and the shared boundary ensures that no significant impact will arise.

- Other Surrounding Properties – There are residential properties located to both the front and rear of the application site. However, due to the nature, scale, and positioning of the proposed development, it is considered that there will be no detrimental impact on the amenity of these neighbouring dwellings.

In summary, the proposal will not have any adverse impact upon the residential amenity of neighbouring properties and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	As above.	✓

The proposed balcony is not considered to allow for overlooking to be undertaken directly to the windows of openings in the front of neighbouring properties given the scale of the balcony and rear extension, and therefore it is considered that the proposal would have an acceptable impact in this regard.

The proposal is therefore considered to be acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A

Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP	Parking is predominantly provided on-street and in-curtilage, which remains acceptable due to the location of this property and the	✓
	• Chapter 12 of the NPPF	neighbouring houses – off the main through-fare. The proposed additions will have no impact on any parking provisions.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Maintains appropriate access and off-street in curtilage parking.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	✓

Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	The site is in an area with a known presence of bats. The nature of the proposals are such that the development is not considered to have a significant impact upon bats / their roosts. As a precautionary measure	✓
		an informative note will be included upon any grant of permission drawing the applicant's attention to the protection of bats as afforded in law and which also sets out the requirements should bats be encountered during the undertaking of the development.	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for runoff. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

No representation received.

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers Application
Number:
Officer Recommendation: Approve

Conditions and 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 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.
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: 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**	**Date Received**
Proposed Site / Block Layout	25/67 - Site Plan	26-Jun-2025
Grouped Plans and Elevations	25/67/B - Proposed Floor Plans & Elevations	26-Jun-2025
Location Plan	Location Plan	26-Jun-2025
Grouped Plans and Elevations	25/67/A - Existing Floor Plans & Elevations	26-Jun-2025
General	Climate Change Statement	26-Jun-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 preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 26/09/2025