

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:	2025/62/91800/W
Site Address:	34, Woodlea Avenue, Marsh, Huddersfield, HD3 4EF
Description:	Erection of first floor side extension
Recommending Officer:	Molly Storer

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: 18-Sep-2025

Officer Report

Site Description

34 Woodlea Avenue is a two storey detached dwelling located within a residential estate which is comprised of mainly detached properties constructed from similar materials but which vary in terms of design. There is a small lawned area and driveway to the front of the property with a larger lawned garden area to the rear of the property. Also to the rear is a single storey part-width conservatory.

The site is Unallocated in the Kirklees Local Plan, however, beyond the rear boundary is an area defined as Urban Greenspace within the Kirklees Local Plan.

Description of Proposal

The application is for the erection of first floor side extension.

The existing will be constructed over the existing single storey section of the dwelling where the integral garage is located. It will project 2.672m from the side elevation and would have a length of 9.8m

It is proposed that the eaves height would match the existing at 5m and would slightly be set down from the existing roof ridge by 0.15m with an overall height of 7.1m with a hipped roof form. Construction materials would be stone and concrete roof tiles to match the existing.

History of negotiations/amendments received

The agent was contacted as the design of the extension is not SPD compliant. The plans show the front elevation to be flush and the eaves height to be the same. To comply fully with the SPD the front elevation of the extension should set back from the front elevation of the house by at least 500mm and the roof line should be set down from the existing roof. It was suggested that as the extension did not 'comply' with the SPD, further justification of the proposal would be required. The agent provided justification which was deemed acceptable by officers. This will be discussed further within the following report.

Relevant Planning History

1996/93433 Erection of residential development (150 dwellings and garages) and associated works
Conditional Full Permission

As part of the above decision, permitted development rights were removed for the following reasons:

Condition 18 – no buildings or extensions within the curtilage of plots 65-71 and 74-77 on the northern side and plots 21, 22, 23, 54, 55 and 57 on the southern side – to protect overlooking

Condition 23 – no buildings or extensions on the drives of all plots – to ensure free and safe use of the highway

Condition 24 – no garage conversions – to ensure free and safe use of the highway

Condition 28 - -no light or other openings on the side elevations of the dwellings – to protect privacy

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 8th August 2025 – No representations were received.

Parish/ Town Council – not applicable

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 27th February 2019).

The site is Unallocated in the Kirklees Local Plan. Although it has been acknowledged that the rear boundary of curtilage at the application site is located in close proximity to an area of Urban Greenspace, it is not necessary to assess this further given that the proposed development is to be erected within the curtilage of the property therefore, poses no detriment to the Greenspace.

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 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 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 instance, it can be stated that the principle of development of this application is acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

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:

Two storey side extensions

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.

In this case the proposed extension would fail to meet the above criteria in terms of not being set back from the front elevation and not having a roof line set down from the roof ridge. However, as there is no change to the footprint of the dwelling, a gap of 1 metre between the side of the extension and the boundary with No. 32 would be retained. As there is no increase in footprint, the outdoor areas of the property would not be compromised or lost as a result of the works.

As required by the SPD paragraph 1.11, should a development depart from the guidance set out justification is required. The agent has provided justification by highlighting the hipped roof design was incorporated to reduce the overall bulk of the side extension. Furthermore, although at first floor level the extension would be flush with the front elevation, the existing ground floor already protrudes out from the first floor's front elevation, resulting in a stepped-back appearance to the front of the property. Furthermore, the ridge is set down by 0.35m, this creates an appropriate design, creating a visual break from the original roof ridge.

Paragraph 5.21 of the SPD explains that two storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached and detached dwellings which can create a terracing effect in a non-terraced street. In this case, due to the design of the host property being different to the design of the closest neighbour at No. 32, it is considered that a terracing effect would be avoided in this case. Furthermore, the use of matching materials to the original dwelling will create a visually sympathetic design.

Therefore, it is considered that the design presents a sympathetic appearance retains a sufficient gap to the boundary. Therefore, this scheme is considered acceptable in this case.

In terms of Key Design Principle 7 of the SPD in relation to outdoor space. Due to the size of the modest 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.

The dwelling is detached, two storeys in height and sits between No. 32 which is located to the north-west and No. 36 which is located to the south-east. The proposal would have little impact on the occupiers of No. 36 due to its location and would have the most impact on the occupants of No. 32. Impact to this property will be assessed below.

In terms of the impact on privacy, there is one first floor window within the west facing side elevation however plans show this to serve a bathroom and to be obscurely glazed. There are no other openings within the first floor side elevation that would overlook the amenity space of No. 32. There is a new bedroom window proposed to the rear elevation however this is not considered to significantly impact No.32 given that the rear elevation does not align with No.34. This window would only partially look over the neighbouring garden but would primarily face onto the applicants own land and is not considered to cause any further significant harm than other windows within the rear elevation. There are no dwellings directly to the rear of the property that would be affected and therefore the works would have limited impact on privacy from this elevation. There are no dwellings directly to the rear of the property and in terms of the facing properties there would be no reduction in separation distances as a result of the proposed works. It is therefore considered that the proposal would accord with Principles 3 and 4 of the SPD.

No.34 has a rear elevation which is set back from the rear of No. 32 and the closest part of the property to this neighbour is single storey in height. However, any impact is mitigated by the inclusion of the hipped roof design which slopes away from this property meaning that any overshadowing or overbearing impact is reduced. It is also noted that No.32 is situated on a higher ground level further reducing the impact of the first floor extension. Therefore, it is considered it would be unreasonable of the LPA to refuse permission on the basis of overshadowing / overbearing impact resulting from the development proposal.

Therefore, it is considered that the proposed extension is 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.

In this case the garage provision for the property would be maintained and the driveway would also be maintained.

The extensions associated works would result in a 5 bedroom property. As such, the SPD requires 3 no. off-street parking spaces to be provided (this is the same as previously as the property was originally a 4 bed property). 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

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.

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 small-scale 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 emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Chapter 14 of the NPPF and Key Design Principle 8 of the House Extensions and Alterations SPD.

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: 2025/91800

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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-14140342v1	-	01/07/2025
Existing plans	2391 A(00)-01	-	01/07/2025
Proposed plans	2391 A(10)-01	-	16/09/2025
Climate change statement	-	-	01/07/2025

Plan Type	Reference	Version	Date Received
Application form	-	-	01/07/2025

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 agent was contacted as the design of the extension is not SPD compliant. The agent provided justification which was deemed acceptable by officers.

Report Dated: 16th September 2025