

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:	2025/62/91875/W
Site Address:	Oakes Fisheries, 59, Burniston Drive, Oakes, Huddersfield, HD3 3PP
Description:	Erection of single storey rear 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.

John Holmes

AUTHORISED OFFICER

Date: 30th September 2025

Officer Report

Site Description

The site relates to 59 Burniston Drive a mid-terrace property, part of a row of four shops within the Oakes area. The property has an existing takeaway shop on the ground floor and a residential flat above owned by the applicant.

The property has rear amenity space which is accessed via a passage down the side of the shop and to the front there is large portion of hardstanding.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of single storey rear extension.

The proposed single storey extension will be an L-shape with one section projecting 3.8m which will have a width of 3.7m and the connecting element will have a projection of 4.4m and a width of 2.5m

The extension is to be constructed from materials to match the host property.

History of negotiations/amendments received

No amendments have been requested in this instance.

Relevant Planning History

96/91333 – Change of use of hairdressing salon to hot food takeaway – Conditional Full Permission.

Consultation Responses

No consultations required.

Representations

The legal statutory publicity requirements are incorporated within the Kirklees Development Management Charter. As such, we have publicised this application via site notices.

Final publicity date expired on 8th August 2025. No representations have been received.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

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

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 proposal would see an extension which would be utilised as part of the existing ground floor operation which is as a hot food takeaway. The increased floor space would not see a material change in the use of the building with the area for customers remaining the same and the function of the extension would be for operations related to the operation of the kitchen.

In this case the proposal will serve an existing main town centre use which operates in an out of town centre location. The proposal would have a neutral impact in this regard and the impact to the vitality of existing centres is not considered to be significantly affected by the proposal.

Policy LP13 of the Kirklees Local Plan sets out that main town centre uses shall be located within defined centres and that a sequential assessment be submitted as part of any application where they fall outside of an identified centre. In this case the proposal relates to an extension to an existing use and as such it is considered it does not trigger the requirements of LP13 in this case. The use is established and the proposal is to provide operational space to assist the established use.

Given the proposal relates to an extension to an existing hot food takeaway, it is considered the Council's adopted Hot Food Takeaway SPD (September 2022) and policy LP16 of the Kirklees Local Plan (Food and drink uses and the evening economy) are not relevant in the determination of this application. The proposal would not introduce a new / additional use over and above that which is extant and can lawfully take place in any event.

In this case, the principle of extending the existing building is considered to be acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 - Impact on 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.

The extension would be set behind the side elevations and would not be visible from public viewpoints. It would also be finished in pebbledash render and have terracotta concrete pan tiles to match the existing property. It is

therefore considered that the extension would not detract from the character and appearance of the area.

Although the extension would exceed 3m in projection, the section closest to 57A will match the projection at this property and will maintain a separation distance of 2.5m. The other section on the boundary with No.61 would not maintain any separation distance and will have a projection of 4.4m. However, No.61 also has a single storey rear extension which projects approximately 2m meaning the proposed would only extend 2.4m in light of this. Therefore, due to the neighbouring rear extensions, on balance, from a visual amenity perspective the projection is considered acceptable

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Paragraph 135 of the NPPF requires that planning decisions ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Impact on 61 Burniston Drive:

There are no windows in the side elevation facing this property and therefore it is considered that privacy would not be significantly impacted. With regards to overbearing/overshadowing, there would be additional massing along the boundary however as mentioned previously No.61 also has a single storey rear extension which projects approximately 2m meaning the proposed would only extend 2.4m in light of this. The extension will have a limited eaves height of 2.2m and plans show that the extension will comply with the 45 degree rule set out in the SPD. Therefore it is not considered to have a significant impact to this property.

In terms of loss of light, paragraph 4.18 suggests the orientation of the extension in relation to the sun's path is a consideration that should be considered. In the case of this development, the extension is to the west of the neighbouring property which means the extension wouldn't overshadow the neighbouring extension from direct sunlight at any time during daylight hours in winter months and only marginally in evening hours during the summer months. Therefore, loss of light is not considered to be adequate grounds for refusal.

Impact on 57a Burniston Drive:

In terms of privacy there will be a single window and door in the elevation facing this property. However, this will face onto a blank elevation of the extension at this property meaning privacy will not be significantly impacted.

Furthermore, the section closest to 57A will match the projection of the rear extension at this property and will maintain a separation distance of 2.5m. Due to these reasons, and the limited eaves and overall height it is considered that there would be no significant harm to this property.

Noise / disturbance

In addition to the policies mentioned earlier in this section, policy LP52 of the Kirklees Local Plan is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

The site operates under a permission granted in 1996, condition no.3 of the 1996 permission states the following:

The premises shall not be open outside the hours of 11.30am to 9.00pm Monday - Saturday, unless otherwise agreed in writing by the Local Planning Authority

The reason for condition no.3 is to ensure the amenity of neighbouring occupiers is protected in relation to noise. To ensure consistency / continuation of this, it is recommended inclusion of the hours of use condition of the 1996 permission is included upon any grant of permission in this case.

Subject to inclusion of this condition the proposal is considered acceptable in terms of noise and any additional disturbance resulting from the development is not considered to be significantly greater than that which takes place already.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policies LP24 & LP52 of the Kirklees Local Plan, and policies 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 which seek to ensure acceptable levels of off street parking / waste storage arrangements are retained.

Given the nature of the proposals and that no changes are proposed to the existing access, waste storage and parking arrangements, it is therefore concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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. This includes KDP 8-11 of the SPD.

The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application which provides proportionate details of the response to climate change in the development.

There are no other matters for consideration.

6 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2025/91875

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 & LP52 of the Kirklees Local Plan, and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: To accord with Policy LP24 of the Kirklees Local Plan, and policies within Chapter 12 of the National Planning Policy Framework

4. The development hereby approved shall not be open outside the hours of 11.30am to 9.00pm Monday - Saturday, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of neighbouring occupiers to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and ground floor plan	05/07/25/IA/001	-	08/07/2025
Existing and proposed elevations	05/07/25/IA/002	-	08/07/2025
Existing and proposed site layout plan	05/07/25/IA/003	-	08/07/2025
Application form	-	-	08/07/2025
Design and	-	-	08/07/2025

assess statement			
Climate change statement	-	-	08/07/2025

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 preapplication 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 were requested as the proposals were considered to be acceptable as submitted.