

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:	2025/62/92104/W
Site Address:	50, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BG
Description:	Erection of two storey side extension and extension to existing porch (within a Conservation Area)
Recommending Officer:	Joshua Merriman

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: 16-Dec-2025

Officer Report – 2025/92104

Site Description

The application site refers to 50, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BG, a two-storey semi-detached property faced in render with a pitched, tiled gable roof, and black uPVC windows and doors lying on PRoW HUD/346/10. The application dwelling lies in a relatively varied street scene, being surrounded by properties of varying sizes, scales, characters, ages, and appearances. Furthermore, the dwelling benefits from a large hard-standing driveway area to the front and side, as well as garden space to the rear.

The site is allocated in the Birkby Conservation Area.

Description of Proposal

The Scheme

The application is seeking planning permission for erection of two storey side extension and extension to existing porch (within a Conservation Area).

The two-storey side extension will project 3.59m from the side elevation of the existing building, with a maximum height of 7.11m, eaves height of 4.65m, and a depth of 7.45m.

The porch extension will project 1.87m from the front elevation of the existing building, with a maximum height of 3.52m, eaves height of 2.37m, and a width of 2.03m.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Climate Change Statement
- Design and Access and Heritage Statement
- Arboricultural Method Statement

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

05/12/2025 – 2224 – 04C Proposed Layout and Elevations

History of Negotiations / Amendments Received

The case officer sought it necessary to set back the side extension and reduce its scale to ensure subservience to the original building, as well as reducing the scale of the front porch so it also remained subservient and only served the original dwelling. Following the receipt of amended plans, it was considered that the development was acceptable.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2022/92695 – Work to trees within a conservation area – Part Granted/Part Refused.

2022/93482 – Work to trees within a conservation area – Granted.

2022/93759 – Erection of single storey front and side extension and formation of vehicular access (within a Conservation Area) – Refused for the following reasons:

- *The proposal, by virtue of its prominent siting, large size and scale, and design, would result in a development that is not subservient to the host dwelling nor would it harmonise with the existing dwelling or the wider character and appearance of the area. Instead, the proposal would result in an extension that would compete in prominence with the dwelling and would constitute a visually jarring feature in the locality, thereby causing detrimental harm to the visual amenities of the host dwelling and wider locality, as well as less than substantial harm to the significance of the Birkby Conservation Area. Additional harm would be caused to the Birkby Conservation Area by virtue of the partial removal of the stone wall to the front of the site and the removal of part of the front garden which adds to the verdant character of the area. No public benefits have been demonstrated to outweigh this identified less than substantial harm to the conservation area.*
- *The proposed extension, by virtue of its close proximity to No.52 Birkby Lodge Road, scale and design, would result in undue harm to the amenity of No.52 in terms of loss of light, overshadowing and being oppressive and overbearing.*
- *The application provides insufficient information to determine the impact upon the protected Ash Tree to the front (east) of the site as a result of the proposed development. This is because the proposed scheme fails to consider the protected Ash tree or its root protection*

area and the application fails to provide details on acceptable driveway design which would avoid any tree root damage or ground compaction.

2023/90775 – Erection of single storey front and side extension (within a Conservation Area) – Conditional Full Permission.

2023/92266 – Demolition of part of boundary wall to create entrance for off street parking (within a Conservation Area) – Conditional Full Permission.

2024/90079 – Discharge condition 5 (arboricultural method statement) on previous permission 2023/92266 for demolition of part of boundary wall to create entrance for off street parking (within a Conservation Area). – Details Approved

2024/90785 – Work to tree in CA – Granted.

2025/90753 - Removal of stone pillars (within a Conservation Area) – Conditional Full Permission.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting the setting of a conservation area, affecting a Public Right of Way, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 18/09/2025. Two representations were received, both in support making the following comments:

- The plans are thoughtfully designed and complement the character of the neighbourhood.
- The development makes efficient use of the space available while maintaining a balanced appearance that will not overwhelm the property or neighbouring homes. The additional living space will clearly benefit the occupants, and the updated porch adds a welcoming and attractive feature to the front of the house.
- Many properties within Birkby and the surrounding area have benefited from similar extensions, and this application appears consistent with those precedents.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Trees – No objections.

KC Conservation & Design – No objections on amended plans.

Allocation and Policy

The site is located in the Birkby Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within proximity of PRow HUD/346/10, within a bat alert layer, and has had permitted development rights removed.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP35 Historic Environment

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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

House Extensions & Alterations SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is located within the Birkby Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 KLP 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”.

As the site is located within the Birkby Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

Given the above, subject to condition, it is considered that the proposed development constitutes appropriate development and complies with relevant policy.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Key Design Principles 1, 2, and 9 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.

The recommendations of Paragraphs 5.13, 5.14, 5.15, 5.19, and 5.20 of the House Extensions and Alterations SPD are considered relevant to this application.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In*

cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

The proposed front porch is considered to be subservient to the original house and will not appear significantly intrusive on the street scene. Furthermore, the extension is well set back from the pavement and will use matching materials to have no significant impact upon the original house.

As for the two-storey side extension, it is considered to be designed to minimise the impact on the local character of the area due to how significantly set back from the pavement it is and the subservience to the original building. Furthermore, the extensions will be constructed using materials and a roof design to match those of the existing building. The extension is set back adequately to ensure a visual break is allowed. Although it is slightly wider than two thirds of the width of the original house, this increase is only very slight compared to the requirements of the SPD guidance and will create no significant impacts on visual amenity.

Therefore, the proposed development is considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, Principles 1, 2, and 9 of the House Extensions and Alterations SPD, and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5, 6, and 7 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 recommendations of Paragraphs 5.14 and 5.16 of the House Extensions and Alterations SPD are considered relevant to this application.

The front extension is not considered to be of a large enough scale to unreasonably impact neighbouring properties, and the two-storey side extension is located away from any neighbouring properties and is not close enough to neighbouring dwellings to have any significant impact upon overbearing, overshadowing, light, outlook, or privacy.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Key Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD, and Policies within Paragraph 135 of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and 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.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

The number of bedrooms at the property will increase from two to three as a result of the development, however, the off-street parking area on site will not be significantly reduced in scale, the current parking provision on site will remain acceptable.

The development is set back adequately from the highway and as a result will have no significant impact upon highway safety.

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. 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 scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is 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 roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

Impact upon Trees

Following an informal consultation with KC Trees, the submitted Arboricultural Method Statement is considered acceptable, and there will be no significant impact upon trees.

7. Representations

All comments were considered and noted.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation
PERMISSION

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/92104

Officer Recommendation: Conditional Full Permission

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 91 of the Town and Country Planning Act 1990 (as amended).

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: 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, Existing Site Plan, Elevations and Floor Plans	2224 01	-	05/08/2025
Proposed Site Plan, Elevations and Floor Plans	2224 – 04C	-	05/08/2025
Climate Change Statement	-	-	05/08/2025
Design and Access and Heritage Statement	-	-	05/08/2025
Arboricultural Method Statement	-	-	05/08/2025

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 sought it necessary to seek amendments to the scale of the front porch and two storey side extension.

Report Dated:

08/12/2025

