

**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:	2025/62/92167/W
Site Address:	94, St John's Road, Birkby, Huddersfield, HD1 5EY
Description:	Erection of single storey rear extension with room in roofspace to create new single dwelling/flat (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 2-Oct-2025

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Officer Report

Reference No. 2025/62/92167/E

Site Address: 94, St John's Road, Birkby, Huddersfield, HD1 5EY

Proposal: Erection of single storey rear extension with room in roofspace to create new single dwelling/flat (within a Conservation Area)

Site Description

The application relates to 94 St John's Road, a two-storey mixed use building situated in Birkby, Huddersfield. The property was formerly used as a laundrette at ground floor level and a residential flat at first floor level. The wider area comprises a combination of residential and commercial properties of similar materials and architectural styles. The site is not located near any Public Rights of Way (PROW) or Listed Buildings. However, the site is located within the Birkby Conservation Area.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension with a room in the roofspace to create new single dwelling/flat. The existing single storey rear projection will be demolished to allow for the proposed works. The details of the proposal are summarised below:

- Single storey rear extension (approx. 7.3m projection, eaves height of approx. 2.6m and an overall height of approx. 4.7m)
- Construction materials – coursed natural stone for the external walls and slate for the roof

Relevant Planning History

- **2007/91567:** Erection of rear extension to dwelling (within a conservation area). [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2006/93017:** Erection of rear extension to dwelling. [Planning application details | Kirklees Council](#) – Refused

Representations

The application was publicised by site notice and press advertisement which expired on 26th September 2025. As a result of the above publicity, no representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology - No objection

KC Environmental Health – No objection subject to recommended condition
KC Highways Development Management – No objection

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 located within the Birkby Local Centre on the Kirklees Local Plan Proposals Map and within the Birkby Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 11** - Housing Mix and Affordable Housing
- **LP 13** - Town Centre Uses
- **LP 15** - Residential Use in Town Centres
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 35** - Historic Environment
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

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 5** - Delivering a Sufficient Supply of Homes
- **Chapter 6** - Building a Strong, Competitive Economy
- **Chapter 7** - Ensuring the Vitality of Town Centres
- **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

Assessment

1. Principle of development

Town Centre

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 Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 90(f) of the NPPF states that it should be recognised that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

The site falls within Birkby Local Centre and therefore, Policy LP13 of the Kirklees Local Plan is relevant. The policy encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres. Paragraph 90 of the National Planning Policy Framework supports a mixed-use town centre that includes housing to grow and strengthen town centres.

Policy LP15 of the Kirklees Local Plan relates to residential use in town centres. Proposals for residential uses within the defined town centres as set out on the Policies Map will be supported subject to:

- a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;*
- b. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;*
- c. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,*
- d. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;*
- e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;*
- f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;*
- g. provision of affordable housing in accordance with policies set out in the Local Plan; and*
- h. the provision of refuse storage and collection*

The proposal is for the erection of a single storey rear extension with a room in the roofspace to create a new single dwelling/flat in Birkby, Huddersfield. The site is within a sustainable location close to public transport links, services, facilities and amenities. Whilst the proposal would be sited within a local centre, it would not result in the loss of an established commercial use. On this basis, the proposal would accord with the aims of LP7, LP13 and LP15 of the Kirklees Local Plan.

Housing Land Supply

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 Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- i) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks planning permission for the erection of a single storey rear extension with room in roofspace to create new single dwelling/flat within Birkby, Huddersfield and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity and Historic Environment

Policy LP24 of the Kirklees Local Plan states 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.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Single Storey Rear Extension

The proposed single storey extension would project approximately 7.3m from the rear elevation of the property. The enlargement would be faced in stone and would incorporate a dual-pitched roof finished in slate to match the appearance of the original build. Although the extension would have a large scale and projection, it would feature a lower ridge line and would have limited visibility from public vantage points due its siting. As such, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken into account the above, it is considered that the proposal would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF. Furthermore, the proposal would not cause any detrimental harm to the significance of the Birkby Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

2. Impact on Residential Amenity of Neighbouring Residents

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 63 and 65 Blacker Road

63 and 65 Blacker Road are residential properties located north-west of the application site. It is noted that the proposed single storey rear extension would occupy a position approx. 11m to no.63 and approx. 5.7m to no.65. Although the proposal would fail to accord with the separation distances outlined within the Kirklees Housebuilders Design Guide SPD, given that the properties would have an indirect relationship due to the angled building positions, it is considered that the proposed development would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Impact on 92 St Johns Road

92 St Johns Road is the adjoining property located east of the application site. The submitted site plan confirms that the proposed single storey rear extension would extend beyond the 45 degree rule in relation to the neighbour's ground floor fenestration. However, the extension would occupy a similar position to the existing single storey rear projection and the previously demolished garage and would be screened to some extent by the existing boundary treatment. For these reasons, it is considered that the proposed development would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Impact on 96A St Johns Road

96A St Johns Road is a residential property located west of the application site. The submitted plans confirm that the proposed single storey rear extension would not surpass the rear elevation of the neighbouring dwelling. As such, it is considered that there would be no additional harm to the neighbour's residential amenity as a result of the proposal.

Therefore, having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of

amenity and living environments for future occupiers in accordance with Policy LP24.'

National described space standards require the following gross internal floor area for a one storey flat:

- 1 Bedroom, 1-person dwelling set over 1 storey - 39 square metres
- 1 Bedroom, 2-person dwelling set over 1 storey - 50 square metres
- 1 Bedroom, 2-person dwelling set over 2 storeys – 58 square metres

The proposed floor plans demonstrate that the proposed flat would have an internal floor space of approximately 45sqm which includes the space in the roof shown as office. This would generally comply with the minimum recommendations for internal floor area as set out in the Nationally Described Space Standards for a single storey, but would not for a dwelling over two storeys. It is difficult to apply the space standards in this instance due to the layout over two floors but it would appear cramped. Furthermore, due to the contrived internal layout which includes no windows, the bedroom of the proposed flat would have no outlook and would receive no natural light. Furthermore, the submitted plans confirm a poor standard of amenity to the existing first floor flat at 94 St Johns Road. Bedroom 2 would have a restricted outlook and would receive limited light due to the height and scale of the proposed single storey rear extension. For these reasons, it is considered that the proposal would provide a cramped layout and an unacceptable standard of living for future occupants and would fail to accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135 (f) of the National Planning Policy Framework

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks approval for the erection of a single storey rear extension with room in roofspace to create new single dwelling/flat at 94 St John's Road. As such, KC Highways Development Management have been formally consulted on the proposed scheme.

C643 St Johns Road is a 30mph two way single carriageway local distributor road of approximately 9m width with footways on both sides and street lighting

present. The unadopted access on to Blacker Road is approximately 30m from the signalised junction with St John's Road, with pedestrian facilities on each arm of the junction. There are No Waiting at Any Time TRO markings around the junction with some restricted No waiting Mon-Sat 8am-6pm TRO markings on the frontage of the site on St Johns Road.

The proposed single storey rear extension will project into the back yard area of the site creating a one bedroomed dwelling. No trip generation details have been provided with the application, however, the site is in a sustainable location and officers do not consider that any increase in trips would be sufficient as to have a severe impact on the operation or efficiency of the local highway network. Although no off-street parking has been demonstrated, officers have confirmed that it would be difficult to object on highway safety grounds given the sustainable location.

On this basis, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Sound Insulation

A higher level of sound insulation is required where commercial and residential uses share a party wall/floor/ceiling. Therefore, should the application be approved, KC Environmental Health have recommended a condition for a sound insulation assessment to be submitted to consider this in the interests of protecting the amenity of the occupiers of the flats.

Biodiversity Net Gain

The application form states that the development would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Ecology

KC Ecology have confirmed that there are no priority habitats nor survey/licence species returns. The building and garage overall look to be in good condition and/or are not suitable for roosting bats. However, there are some loose tiles and openings suitable for bats and birds. Given the surrounding data, it is highly unlikely that bats or birds would be using the site. As such, an informative has been recommended for completion.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it would be considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Waste

Principle 19 of the Housebuilders Design Guide SPD outlines how provision for waste storage and recycling should be incorporated into the design of new developments. Whilst the Proposed Grouped Plans document (drawing no. TR-A25-0702-A5) shows the location of a bin store, it is unclear whether this is just for the proposed flat or for the existing flat and shop as well. Its positioning appears to block access and the size of the storage may not be adequate. These constraints could lead to the bins being left on the access to the rear to the detriment of visual amenity and users of the access.

As such, the application provides insufficient information to demonstrate that a satisfactory layout could be provided on site which allows for the storage of waste. On this basis, the development proposed would be contrary to with Policies LP21 and LP24 of the Kirklees Local Plan, Principle 19 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6. Representations

No representations were received during the course of the application.

7. Negotiations

No amendments were sought or received during the course of the application.

8. Conclusion

This application for the erection of a single storey rear extension with room in roofspace to create new single dwelling/flat at 94 St John's Road. 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 fail to constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2025/92167

Officer Recommendation: Refuse

Reasons for Refusal

1. The submitted plans confirm a poor standard of amenity to the existing first floor flat at 94 St Johns Road. Bedroom 2 would have a restricted outlook and would receive limited light due to the location, height and scale of the proposed single storey rear extension. Therefore, the proposal would provide an unacceptable standard of living for occupants of the flat failing to accord with Policy LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

2. The submitted plans show a cramped layout resulting in a poor standard of amenity to the occupants of the proposed ground floor flat. Due to the contrived internal layout which does not have windows, the bedroom would have no outlook and would receive no natural light. Therefore, the proposal would provide an unacceptable standard of living for future occupants and would fail to accord with Policy LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

3. The application provides insufficient information to demonstrate that a satisfactory layout could be provided on site which allows for the adequate storage of waste for the mixed residential and commercial uses. As such, the development proposed would be contrary to with Policies LP15, LP21 and LP24 of the Kirklees Local Plan, Principle 19 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location & Existing Site Plan	TR-A25-0702-A2	-	31/07/2025
Existing Grouped Plans	TR-A25-0702-A3	-	31/07/2025
Location & Proposed Site Plan	TR-A25-0702-A4	-	31/07/2025
Proposed Grouped Plans	TR-A25-0702-A5	-	31/07/2025
Design, Access & Heritage Statement	TR-A25-0702	-	31/07/2025
Climate Change Statement	-	-	31/07/2025

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 Planning 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.

Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, the alterations required would be beyond the scope of the application. As such, no amendments were sought thereafter.

Report Dated: 30/09/2025