

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:	2025/62/92372/E
Site Address:	78, Marsh Lane, Shepley, Huddersfield, HD8 8AP
Description:	Erection of single storey side extension and associated alterations
Recommending Officer:	Kirsty Nicholls

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27-Jan-2026

Officer Report – 2025/92372

Site Description

The application site refers to 78, Marsh Lane, Shepley, Huddersfield, a two-storey detached property with a contemporary appearance incorporating an attached double garage on the front elevation. The design of the dwelling incorporates a dual pitched roof and is constructed of natural coursed stone and natural blue slate. The proposed vehicular access is from Marsh Lane leading to a turning area and the attached double garage.

The property is bordered by an access track to the west serving Shepley cricket ground, by undeveloped Green Belt land to the north, by a bungalow to the east, and Marsh Lane to the south, beyond which are neighbouring residential properties.

Description of Proposal

The Scheme

The application is seeking planning permission for erection of a single storey side extension and associated alterations.

The proposed single storey side extension projects m from the side elevation of the extension, with a maximum height of m, eaves height of m, and a depth of m.

The scheme also proposes to remove part of the existing fence to facilitate the proposal.

The extension will be constructed from matching materials as the host property, will incorporate a flat roof with an associated lantern. It will facilitate a utility room for the property and will incorporate a door with window panels to each side on the rear elevation.

Supporting Information

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

- Climate Change Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2017/93663 - Erection of a dwelling - Conditional Full Permission.

2018/90633 - Discharge condition 3 (materials) on previous permission

2017/93663 for erection of dwelling – Details Approved

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (December 2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 14/11/2025. One letter of representation has been received in objection. The following comments were made:

- The original structure sat at a distance to the communal boundaries. The proposed structure pushes the limits to the boundary, with the resultant bulk creating an oppressive feel on the adjacent path.
- The original building was permitted with the 'breathing space' to the boundaries with this proposal contrary to this.

Consultation Responses

No consultation responses were considered necessary for this application.

Allocation and Policy

The site is allocated in a bat alert layer within the Kirklees Local Plan (adopted 2019).

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

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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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 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.

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of Development

Policy LP1 of the KLP 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 NPPF.

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.

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.

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

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. 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. Considering the above policy, the principle of development is acceptable.

2 – Impact on Character and Appearance of the Area

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 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.

The proposed single storey side extension is considered to be designed to limit the impact on the local character of the area, reflecting the design of the original building by using matching materials including coursed natural stone and powder coated aluminium doors and windows. Whilst the extension will be positioned on the boundary of the site, removing an area of the existing fence to facilitate it, in isolation, it is limited in scale and massing. The site boundary where the extension will be positioned faces an existing footpath. It will extend the massing along the boundary as the extension will be positioned to the rear of the existing garage projection. However, the garage is set off from the site boundary which will mitigate any significant harm.

Whilst the use of a flat roof is not usually a design feature that is supported, in this instance, the design concept of the property is contemporary with flat roof structures being present. Furthermore, the installation of the roof lantern will further act to mitigate any significant harm in this instance.

The removal of part of the existing fence to facilitate the extension is not considered to cause significant harm to the area due to the limited scale and projection of the extension.

The proposed development is therefore considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1 and 2 and Paragraph of the Council's House Extensions and Alterations SPD and Policies within Chapter 12 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 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.

As the extension is set away from any neighbouring properties, it is considered that there will be no impacts on light into neighbouring habitable rooms, or any potential overlooking into neighbouring properties as there are no windows in the side elevation of the extension, and the windows in the rear elevations are an adequate distance away from neighbours to have no extra impact than existing windows in the front and rear elevations of the application dwelling.

Whilst the extension will be positioned on the boundary of the site, removing an area of the existing fence to facilitate it, in isolation, it is limited in scale and massing. The site boundary where the extension will be positioned faces an existing footpath. It will extend the massing along the boundary as the extension will be positioned to the rear of the existing garage projection. However, the garage is set off from the site boundary which will mitigate any significant harm.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12, and 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 site will provide ample on-site car parking spaces to service the needs of the property; as such the proposal will not result in any adverse harm on 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. However, in the event that planning permission is approved, it is recommended that an informative be attached to the decision advising the applicant 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 this informative, the proposal is considered to be acceptable in regard to ecology.

7. Representations

One letter of representation has been received objecting to the proposal. The following comments were raised alongside an officer comment for each:

- The original structure sat at a distance to the communal boundaries. The proposed structure pushes the limits to the boundary, with the resultant bulk creating an oppressive feel on the adjacent path. – **Officer Comment** – *This is addressed in the sections ‘Impact on Character and Appearance of the Area’ and ‘Impact on Residential Amenity’ of the above report.*
- The original building was permitted with the ‘breathing space’ to the boundaries with this proposal contrary to this. – **Officer Comment** – *All applications have to be assessed on their individual merits and whilst the original permission had a set off from the boundary, it is considered that the proposed extension will not significantly impact on the parameters agreed at that stage.*

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: 2025/92326

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).

1. 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.

2. The walling material used in the construction of the extension hereby approved shall in all respects match that used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims 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	25/1188/01	-	02/09/2025
Existing Block Plan	24/1188/02	-	02/09/2025
Proposed Block Plan	24/1188/05		02/09/2025
Existing Elevations and Floor Plans	25/1188/03	-	02/09/2025
Proposed Plans and Elevations	25/1188/04	-	02/09/2025
Application Form	-	-	02/09/2025
Climate Change Statement	-	-	02/09/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 26/1/2026