

**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:	<b>2025/62/92412/W</b>
Site Address:	16, Banks Avenue, Golcar, Huddersfield, HD7 4LZ
Description:	Erection of first floor rear extension (within a Conservation Area)
Recommending Officer:	Joanna Rednall

**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: 17-Nov-2025**

## **The Site**

16 Banks Avenue is an end-terrace property situated in Golcar, Huddersfield. The dwelling is constructed in stone and features a hipped, slate-covered roof. The property benefits from a lawned garden to the front and a larger lawned garden to the rear.

It is located within a predominantly residential area, where surrounding properties are similar in design and architectural character. The site lies within the Golcar Conservation Area, and there are no Listed Buildings in close proximity.

## **The Proposal**

The applicant is seeking planning permission for erection of first floor rear extension (within a Conservation Area).

The extension follows the ground floor outrigger and projects around 2m from the first floor rear elevation and extends 5.8m in width. The eaves measure at 5.3m in height and the ridge measures at 7.7m. The extension is designed with a hipped roof which is incorporated into the roof above the main house, and the extension is finished in brick.

## **History of Negotiations**

Officers contacted the applicant's agent about the proposed use of render on the extension. The agent confirmed by email on 10 November 2025 that materials matching the existing house would be used instead.

## **Planning History**

There is no planning history for the site which is considered relevant to the current proposal.

## **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice and a press notice.

Final publicity date expired: 31<sup>st</sup> October 2025

No representations were received as a result of the publicity.

## **Parish/ Town Council Comments**

N/A.

## **Consultations**

No statutory consultations were requested for this application.

## **Allocation & Policies**

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 falls within the Golcar Conservation Area.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- 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 12<sup>th</sup> 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

## Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

### Legislation

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

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 of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

### Assessment

#### **1 – Principle of development:**

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".

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

#### **2 – Impact upon visual amenity (including impact upon heritage asset)**

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.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

### Impact upon the Conservation Area

The application site is located within Golcar Conservation Area. 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 of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 214 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

The proposal relates to a first-floor extension to the rear of the property. Due to its siting, the extension would not appear unduly prominent from public vantage points and its scale would appear proportionate to the host. The first

floor extension is designed to align flush with the side elevation of the host dwelling, with a hipped roof form that complements the existing roof design of the original house. The ridge of the extension is also set well below the host property, ensuring the extension appears smaller and well-proportioned in relation to the original house. Due to these reasons, the scale of the extension is considered to be acceptable.

During the assessment, concerns were raised with the applicant's agent regarding the proposed use of render as an external finishing material. Although positioned to the rear, the use of render would not reflect the traditional brick and stone material palette characteristic of the locality and would be partially visible from neighbouring properties and the wider area in which the Conservation Area is experienced. In response, the agent confirmed via email that the external materials can be conditioned to match those of the host dwelling. It is therefore considered that, subject to a condition requiring materials to match the existing property, the proposal would accord with the aims and objectives of Policies LP24 and LP35. Accordingly, the development is not considered to result in harm to the character or setting of the Conservation Area.

In relation to the guidance set out within the Householder Extensions SPD, the proposed extension would be of a scale that remains subservient to the host dwelling and incorporates window openings that are residential in appearance and consistent with those on the existing property. In conclusion, the proposal is considered to accord with the Key Design Principles outlined within the SPD, and as such, would have an acceptable impact upon the visual amenity of the area.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 and LP35 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

### **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”*.

- Principle 4 – that: “*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*”
- Principle 5 – that: “*extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property*”.
- Principle 6 – that: “*extensions and alterations should not unduly reduce the outlook from a neighbouring property.*”

In terms of overlooking, the submitted elevations indicate the inclusion of bi-folding doors at ground floor level to the rear elevation, and two window openings at first floor level. No openings are proposed to the side elevations. The proposed first-floor windows would face the rear garden of the application site only and would not result in any undue overlooking or loss of privacy to the occupiers of neighbouring properties at Nos. 14 and 18 Banks Avenue. The proposal would also maintain a separation distance of approximately 18 metres to the dwellings located to the rear (Nos. 5 and 7 Banks Crescent), which is considered sufficient to prevent any significant overlooking or unacceptable impact on existing levels of privacy particularly as these properties are at a slightly oblique angle to one another and there is not a direct rear to rear, face on, relationship between the proposal and these dwellings.

In terms of overshadowing/ loss of light, the proposal would lead to additional massing along the common boundary with 14, Banks Avenue. Key Design Principle 5 of the Council’s House Extensions SPD requires that the impact of overshadowing on neighbouring properties be assessed, using the 45° guideline from the midpoint of the nearest habitable room window to gauge potential light loss. In this case, a site visit and the photographs submitted with the application indicate that the closest window to the proposed extension serves a bathroom and is obscurely glazed. As such, it does not serve a habitable room. While the 45° guideline set out in the SPD is not strictly met in this instance, this guideline primarily aims to protect the levels of light to habitable rooms of neighbouring properties.

The proposed extension projects approximately 2 m from the rear elevation, representing a relatively modest projection. While another window, not shown on the plans, is larger and likely serves a bedroom, it is located further from the extension and is therefore highly likely to comply with the 45° guideline. The window closest to the extension, by contrast, serves a non-habitable room and is fitted with obscure glazing; any reduction in light to this window would be minimal and would not materially affect the living conditions within the neighbouring property. Additionally, the orientation and modest scale of the extension ensure that the majority of the rear garden and other windows serving habitable rooms would remain unaffected.

On this basis, while the 45° line is not achieved, it is considered that the proposal would not result in a harmful loss of light and therefore is acceptable

in terms of its impact on overshadowing and the residential amenity of neighbouring occupants.

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 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. 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.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, existing parking arrangements are considered to be acceptable.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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 – Other matters:**

##### *Ecology*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. The application site is not situated within a bat alert area, and there is no recorded history of bat roosting on the site. Given the modest scale of the proposed development, it is therefore considered to have a neutral impact on local ecology.

##### *Climate Change*

On 12<sup>th</sup> 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 pre-dates 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 modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

#### **6 – Representations:**

None received

#### **7 – Conclusion:**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2025/92412

**Officer Recommendation:** Approve

**Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 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

- Notwithstanding the plans submitted, the external walls and roof of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 & LP35 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-14284422v1	-	28/08/2025
Existing Site Plan	RCE-JMA-ZZ-00-DR-A-(01)001A	-	28/08/2025
Existing Elevations	RCE-JMA-ZZ-XX-DR-A-(03)001A	-	28/08/2025
Existing Floor Plans	RCE-JMA-ZZ-ZZ-DR-A-(10)001A	-	28/08/2025
Proposed Site Plan	RCE-JMA-ZZ-00-DR-A-(01)101A	-	28/08/2025
Proposed Elevations	RCE-JMA-ZZ-XX-DR-A-(03)101A	-	28/08/2025
Proposed Floor Plans	RCE-JMA-ZZ-ZZ-DR-A-(10)101A	-	28/08/2025
Existing photos	-	-	28/08/2025
Climate change statement	-	-	15/09/2025
Heritage Statement	-	-	15/09/2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	-	-	28/08/2025

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. Officers contacted the applicant's agent about the proposed use of render on the extension. The agent confirmed by email on 10 November 2025 that brick matching the existing house would be used instead.

**Report Dated:**

12/11/2025

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