

**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>2025/62/92516/W</b>
Site Address:	57, Birch Road, Berry Brow, Huddersfield, HD4 7LR
Description:	Erection of single storey rear extension
Recommending Officer:	Joshua Merriman

**DECISION – CONDITIONAL FULL APPROVAL**

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 31-Oct-2025**

## **Officer Report – 2025/92516**

### **Site Description**

The application site refers to 57, Birch Road, Berry Brow, Huddersfield, HD4 7LR, a two-storey terraced property faced in stone, with a pitched, blue slate roof, and uPVC windows and doors. The application property lies within a uniform street scene with other dwellings in the terrace being very similar in size, scale, appearance, character, and age. Furthermore, the application dwelling benefits from a small area of amenity space to the front, as well as further amenity space and a garden area to the rear.

It is noted that the property currently benefits from a single-storey rear extension.

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking permission for the erection of a single storey rear extension.

#### *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**

There is no relevant planning history at the application site.

### **Representations**

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 17/10/2025.

## **Consultation Responses**

No consultations were considered necessary for this application.

## **Allocation and Policy**

The site is allocated in a Strategic Green Infrastructure Network area within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer and twice buffer.

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
- LP31 Strategic Green Infrastructure Network

### *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

### *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**

#### *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.

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”.

Paragraph 5.1 of the SPD states that rear extensions should:

Maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. Finally, external access to the properties rear garden should remain.

Paragraph 5.6 goes into more detail about single storey rear extension and states:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and

retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Given the above, subject to condition, it is considered that the proposed development constitutes with relevant policy and would constitute sustainable development.

## **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 recommendations of Paragraphs 5.1 and 5.6 of the House Extensions and Alterations SPD are outlined in the ‘Principle’ section of this report.

As the application property is terraced, the proposed rear extension will be entirely set behind the original building, not projecting beyond the sides, and

not visible from the front of the property. Furthermore, the extension is considered to be subservient to the host property, remaining in keeping with the scale and style of the original house, thus having no significant impact upon visual amenity.

The proposed development is therefore considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1, 2, and 7 and Paragraph 5.2 of the Council's House Extensions and Alterations SPD and policies within Chapter 12, and Paragraph 135, 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.

The recommendations of Paragraph 5.1 and 5.6 of the House Extensions and Alterations SPD are outlined in the 'principle' section of this report.

The proposed rear extension does not exceed a projection of 3m from the rear elevation of the original building; however, the proposal is located within 1m of the property boundary. Despite this breach, due to the design of the extension sloping away from neighbouring dwellings, and the acceptable projection distance of the extension, it is considered that there will be no significant impacts upon neighbouring dwellings with regard to residential amenity, including overbearing, overshadowing, privacy, light, and outlook.

Furthermore, there are a large amount of rear extension erected in the street scene without impacts upon residential amenity, therefore, it is considered that the extension within this application would also fit that precedent.

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 130, 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.

As the number of bedrooms in the property will not increase as a result of the proposal, and there is no off-street parking on the dwelling site, it is considered that the parking provision at the dwelling is acceptable to remain as current as no parking provision is to be lost. Furthermore, the proposal will have no significant impact 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 and twite buffer, 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 or twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or twite population. An informative would be included making the applicant aware that if bats or twites 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.

## **7. Representations**

No representations have been received.

## **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:** 2025/92516

**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 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.

**NOTE:** The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites 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	329-25-PL03	-	05/09/2025
Existing Plans and Elevations	329-25-PL01	-	05/09/2025
Proposed Plans and Elevations	329-25-PL02	-	05/09/2025
Application Forms	-	-	05/09/2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Climate Change Statement	-	-	05/09/2025

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:**

23/10/2025