

**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:	2025/62/92644/E
Site Address:	33, Brown Hill Drive, Birkenshaw, BD11 2AZ
Description:	Erection of first floor extension and associated alterations
Recommending Officer:	Faiza Bano

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: 07-Jan-2026

Officer Report – 2025/92644

Site Description

The application site is located at 33 Brown Hill Drive, Birkenshaw, BD11 2AZ. It comprises a two-storey detached dwelling constructed with brickwork, featuring a pitched concrete tiled roof and uPVC windows and doors. The property is situated within a street scene of mixed residential character, incorporating dwellings of varying size, scale, age, and architectural style, including some that are comparable in appearance and others that differ significantly. The application site occupies a generous corner plot.

Description of Proposal

The Scheme

The application is seeking planning permission for erection of first floor side extension and alterations.

The proposed first floor extension will create a two storey side extension at the application property which projects approx. 4.9m from the side elevation of the extension, with a maximum height of 6.6m, eaves height of 4.9m, and a depth of 8m.

The scheme also proposes to remove the existing conservatory.

The extensions will be constructed from matching materials as the host property.

Supporting Information

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

- Climate Change Statement

During the course of this application a drawing (ref: 004a) detailing that 3.no off street spaces can be achieved at site was submitted.

History of Negotiations / Amendments Received

Officers requested a location plan to show three off street parking spaces, which was subsequently submitted.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2008/91818 – Erection of Conservatory - Conditional Full Permission

2013/91751 - Erection of Side Extension to Form Annexe Living Accommodation - Conditional Full Permission

The proposal would be above the development which has been undertaken by virtue of consent 2013/91751.

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. No representations have been received.

Consultation Responses

KC Highways (Informal): Confirm that they consider the parking arrangements to be acceptable.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan and falls within a low risk coal area and an area identified as being potentially contaminated land.

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
LP53 Contaminated and unstable land

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 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

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
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

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 recommendations of Paragraphs 5.15, 5.21, 5.22, and 5.25 of the House Extensions and Alterations SPD outline recommendations for first floor side extensions and roof extensions.

Paragraph 5.23 of the House Extensions and Alterations SPD is relevant in this case and sets out the following:

On corner plots, side extensions should be considered as being both side and front extensions and as such will relate to both street frontages. Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets;
- and Following the boundary treatment along both streets, in relation to its position, height and materials

The proposed first-floor side extension has been designed to minimise its impact on the local character of the area. It reflects the architectural style of the host dwelling through the use of matching materials, including brickwork, concrete roof tiles, and uPVC windows. The extension is set back from the principal elevation and positioned below the main roof ridge, which is considered an appropriate and acceptable design approach.

The application site occupies a generous corner plot within a street scene of mixed residential character, comprising properties of varying size, scale, and age. The proposed extension is located on the western side of the detached dwelling, where there are no adjoining properties. As such, the development will not create a terracing effect and is not considered to result in any adverse impact on the character or appearance of the surrounding area. The design and siting of the extension are proportionate and compatible with the prevailing pattern of development at this location.

Weight is afforded the extent of existing development to the property which the proposal would be above. It is considered that whilst in proximity to the street it would read as a continuation of existing development of the property and as a subservient addition given the set back of the front elevation and fact the roof is set down from the ridge of the host property. There would be small openings to the side elevation although in this case it is considered that there is screening such that a requirement of further openings to create an active side frontage would be impractical given the extent of existing mature landscaped screening. A condition to ensure matching materials is recommended.

Subject to condition the proposed development is considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1 and 2 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.

The recommendations of Paragraph 5.16 of the House Extensions and Alterations SPD outline recommendations for first floor side extensions with relation to residential amenity.

Given the distance the proposed extension is positioned away from neighbouring properties (nearest property is 16m to the west of the site) it is considered that there will be no adverse impact on daylight to neighbouring habitable rooms.

The proposal features windows to the north / south elevations with properties opposite these elevations in excess of 21m which is considered to ensure no significant level of overlooking. Openings to the western (side) elevation serve non habitable rooms and would not lead to significant overlooking given the distance / rooms served by these openings.

It is therefore considered that in terms of residential amenity, the proposal 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 proposed extension will create two additional bedrooms, resulting in a five-bedroom dwelling. The site benefits from sufficient space to accommodate three off-street parking spaces, including one within the existing garage. It is therefore considered that the proposal will not give rise to any adverse impact on highway safety, as the existing hardstanding adequately provides this parking requirement for a property of this size.

It is therefore considered that in terms of access and highway safety / parking the proposal 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

Land Stability / Quality

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation. The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

Given the nature of the proposal, there would not be significant ground intrusion works which is considered to be such that the impact upon land quality would be neutral in this case.

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

CONDITIONAL FULL PERMISSION

Decision Authorisation: Delegated Powers

Application Number: 2025/92644

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 materials used in the construction of the extensions 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 to accord with Policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's

adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	28 th August 2025
Site Layout and Location Plan	4266 004a	-	7 th January 2026
Proposed Floor Plans and Elevations	4266 003b	-	28 th August 2025
Existing Floor Plans and Elevations	4266 001	-	28 th August 2025
Location Plan	PP-14342917v1	-	28 th August 2025
Supporting Information	Climate Change Statement	-	28 th August 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 preapplication 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.

