

**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>2025/62/92666/W</b>
Site Address:	2, Clough Way, Fenay Bridge, Huddersfield, HD8 0JL
Description:	Erection of extension to existing balcony with new balustrade
Recommending Officer:	Jennifer Booth

**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: 20-Nov-2025**

## **OFFICER REPORT**

### **Site Description**

2 Clough Way is a detached, extended two-storey modernist home with three sections: two mono-pitch roofed wings and a lower central section with an asymmetric gable roof and a two-storey front extension including a car port. It's built with random coursed stone and pantile tiles.

The property sits on a sloping corner plot between Clough Way and Clough Park, with single-storey elements to the northeast and two-storey to the southwest. The triangular site features landscaped gardens, mature trees, hedging, and low stone walls, with a driveway to the car port. It's elevated above Clough Way and partially screened from Clough Park.

The area is residential, with varied detached homes. Materials include stone, red brick, and white timber, with roof styles ranging from gable ends along Clough Way to mixed forms on Clough Park.

### **Description of Proposal**

The applicant is seeking permission to extend the existing balcony with new balustrade.

The balcony would extend out from the side of the dining room with an angled footprint for 3.3m and a projection of between 2.9m and 5.2m. The balcony would be set over stone piers with a 1m high balustrade.

The balcony would tie into an existing terrace / balcony to the south western elevation of the building, and wrap around the south eastern and south western parts of the building.

### **Relevant Planning History**

2022/90429 – raising the roof height to provide additional living space with the roof and alterations to the car port to form garage with exterior alterations – approved

### **Representations**

The application was advertised by site notice, which expired on 17/11/2025

As a result of the above publicity, no representations have been received.

### **Consultation Responses**

None

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The site is in a locality identified by the mining remediation authority as being at higher risk of land instability as a result of former mining activity.

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 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.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### **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, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 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**

### Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). 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.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & 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.

### Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Paragraph 5.28 of the House Extensions & Alterations SPD does support appropriately designed and sited balconies which do not negatively affect neighbouring properties or alter the local character of the area.

The proposal involves an extension to the existing balcony using the same style and materials. The scale of the development is considered to be proportionate to the host property. Its design is consistent with the architectural style of the dwelling, ensuring that it integrates well with the existing structure. As such, the development is considered to have an acceptable impact on visual amenity.

The submitted plans set out the materials of construction, including stone masonry piers. A balustrade of an appropriate size and open design is proposed. A condition requiring the development to be undertaken in accordance with the submitted plans is recommended to ensure the development appropriately harmonises with the host property / wider locality.

Subject to inclusion of this condition the proposal is considered to be acceptable in this regard.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, 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. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The nearest dwelling to the proposal are 1 Clough Way (to the south) which is at a distance of 27m at its closest point. Dwellings to the further south and east are at a greater distance.

The proposal would not lead to any significant level of overshadowing or be unduly oppressive / overbearing taking account of the scale of the proposal and distance sited from neighbouring properties.

In relation to overlooking, the proposal would allow for use of the area of balcony which is currently not easily accessed / usable. However it is noted it is possible for use as external amenity space in any event. The proposal will lead to an increase in the usability of an area to the south of the site as a raised amenity area. When considering the extent that overlooking is possible from the existing balcony (and Juliet balcony) which have consent by virtue of permission 2022/90429, and the scale of the proposal it is concluded that when coupled with the distance of neighbouring dwellings in relation to the proposal and fact they are off set from the proposal, the impact of the development as a result of overlooking would not lead to an impact which would be unacceptable / warrant refusal.

Having considered the above factors, the proposals are 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, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use and the property has a parking area which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

*Biodiversity*

The development is for an extension to an existing balcony at the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the works proposed, it is considered unlikely to have an impact on the bat population.

*Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Conclusion:

This application to extend the existing balcony at 2 Clough Way has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the

National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, 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:** 2025/92666

**Officer Recommendation:** Approve

### Conditions and Reasons

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**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	Web ID	Date Received
Location plan	301	1107100	23/09/2025
Existing site plan	302	1107104	23/09/2025
Existing plans	303	1107103	23/09/2025
Proposed site plan	310	1107102	23/09/2025

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Proposed plans	311	1107101	23/09/2025
Application Form	-	1107098	23/09/2025

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 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.

As the submitted plans were considered to be acceptable, no changes were sought.

**Report Dated**

18/11/2025