

**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:	2025/62/93123/W
Site Address:	237A, New Hey Road, Oakes, Huddersfield, HD3 4GH
Description:	Erection of rear balcony with ballustrade and 1.7m high privacy screen to each side and erection of 3.2m fence
Recommending Officer:	Joshua Merriman

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 19-Mar-2026

Officer Report – 2025/93123

Site Description

The site refers to 237A, New Hey Road, Oakes, Huddersfield, HD3 4GH, a two-storey semi-detached property faced in stone and render, with a hipped tiled roof, and uPVC windows and doors.

The property is located in a varied street scene, surrounded by dwellings of a similar size and scale. Dwellings are of differing characters and are set back different distances from the adjacent highway and located at differing land levels.

Furthermore, the dwelling benefits from a hard-standing parking area and amenity space to the front, as well as garden space to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for Erection of rear balcony with balustrade and 1.7m high privacy screen to each side and erection of 3.2m fence along the rear boundary of the site.

As well as the proposed rear balcony, a single storey rear extension upon which the balcony will reside shall be constructed. As the proposed rear extension falls under permitted development rights, it is not part of the current application and thus will not be assessed.

Full length bi-folding doors will also be introduced into the first floor of the rear elevation of the dwelling, ensuring an opening onto the balcony.

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 the assessment of the application, the following additional/amended plans/information was submitted for consideration:

12/02/2026 – Balcony Planning Drawing – 2156 08C

Officer Note: *Photos, both internal and external, were submitted as part of objections from the adjoining neighbour and have been utilised in the assessment of this application.*

History of Negotiations / Amendments Received

Officers sought it necessary to request the privacy screen on the shared boundary was set in to limit impacts upon the residential amenity of the adjoining dwelling.

The agent also proposed a 3.2m tall fence along the rear boundary of the site to ensure there would no overlooking impacts from the proposed balcony. The application was then re-advertised due to the introduction of the proposed fence.

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 2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 06/03/2026. 4 letters of representation have been received in total. The comments are summarised below:

Letters of Objection

- It is believed that the proposed balustrade will be higher than 1.7m.

Officer Comment: The privacy screen is shown as 1.7m on the submitted plans, and this will be enforced via Condition 2 at the end of this report.

- The proposal is for privacy glass/screen to be used to the sides. This allows for an element of privacy into my lounge window if people choose not to look over the balustrade. Consideration needs to be given to the fact the properties are attached, and the lounge and dining room windows are to the rear of the property, these are habitable parts of my home which as a family we use daily and can't avoid. So, when looking out of my lounge or whilst cooking I am faced with a balcony and so-called privacy screen. This doesn't reduce the intrusive nature of the building.

Officer Comment: The privacy screen has been set in from the shared boundary, ensuring that any significant impacts upon the habitable windows in the rear elevation of the adjoined property, including overshadowing, overbearing, and overlooking, are avoided, and the privacy screen cannot be viewed from inside of the adjoined neighbouring property.

- This balcony will also have a negative effect my privacy within my south facing garden. The application mentions side privacy screens but does not consider the front of the balcony which will still directly look onto my garden. Again, affecting my privacy for which I have no way of protecting, as the balcony in on the first floor

Officer Comment: The use of a privacy screen surrounding the entire balcony is considered to safeguard the amenity of 66 Greenfield Avenue and the rear garden space of the adjoined neighbouring dwelling.

- The balcony is not in keeping with neighbouring properties. The nearest property with a full width of house balcony overlooks playing fields and not overlooking other properties as this one does.

Officer Comment: There is considered to be a presence of rear balconies/terraces in the street scene, and each application will be assessed on its own merit.

- There will be overlooking impacts onto 64 Greenfield Avenue.

Officer Comment: The impact of overlooking has been addressed within the residential amenity section of this officer report.

Letters of Support

- The property has previously had birds living in soffits and fascias, and trees growing out of the guttering and chimney. These works will improve the property and allow it to be well inhabited by its owners.

Officer Comment: Noted.

Letter of Comment

- Communications have been ongoing with Cllr Cahal Burke throughout the application, with regular updates being provided to aid responses to objectors and the applicants themselves. The application has not been called to planning committee.

Consultation Responses

No consultations were considered necessary for this application.

Allocation and Policy

The site is unallocated 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

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

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.

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. Representations
 6. 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 the development is considered to be 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, 2, and 9 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 design of the balcony and materials used, including frameless glass, are considered to be acceptable in the context of the application property and the scale of the proposal. Furthermore, as the proposal is to the rear of the dwelling, it is considered that it will not be largely visible from the street scene and thus will have no significant bearing on visual amenity.

The rear balcony is not considered to have a significant impact upon the local street scene, as the extension is not visible from the front of the dwelling and is considered to be constructed using a sympathetic frameless glass balustrade which does not appear out of character with the local area.

The proposed 3.2m high fence at the bottom of the application site is designed to further protect the amenity of the neighbouring dwelling to the rear. It is understood that a fence of this height is larger than what would sometimes be approved, however, in the circumstances, and the fences location to the rear of the garden, it is considered that it will not be highly visible, and given the presence of existing hedges and boundary walls/fencing, there will be no significant impact upon visual amenity.

The proposed bi-folding doors within the ground floor rear elevation of the host property are also considered acceptable.

The proposed development is therefore considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, and Policies within Chapters 12 and 16 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.

Guidance within Paragraph 5.28 of the Council's House Extensions and Alterations SPD is considered relevant to this application and the design of balconies.

Impact on 239 New Hey Road

The proposed balcony is set in from the shared side boundary with No. 239 by 2.9m and will incorporate a 1.7m screen along the side boundary to mitigate any overlooking impact. Due to the proposed privacy screen and generous separation distance in place, there are no concerns to potential overbearing, overshadowing or overlooking impact.

Impact on 237 New Hey Road

The proposed balcony is set in from the shared side boundary, with No 237 by 1.5m. As the balcony has been set in by 1.5m and has a modest projection of 3m, the proposed 1.7m privacy screen along the side boundary it not considered to result in any detrimental overbearing or overshadowing impact. The 1.7m privacy screen will also mitigate any overlooking impact to No. 237 rear garden area and will be conditioned to be installed prior to occupation of the balcony. As such, there are no concerns to potential overbearing, overshadowing or overlooking impact.

Impact on 66 Greenfield Avenue

The balcony is located approximately 20m away from the closest facing habitable window of No. 66 and a mature hedge of approx. 3-2.3m tall is situated along the rear boundary of the site. It is noted that No. 66 is situated on a lower land level to that of the application site, however as shown on the submitted plans the sightlines from the balcony to No. 66 will be blocked by the hedge and therefore there are no concerns of loss of privacy. In the event the hedge was to be removed or felled, the applicant has proposed a 3.2m tall fence along the rear boundary of the site to mitigate overlooking impact from the proposed balcony into No. 66's rear residential amenity. Moreover, the 3.2m fence to the rear of the application site is not considered to have any impact upon overshadowing, overbearing, light, or outlook, given its location next to an existing hedge and the prominence of boundary walls and fences nearby the application site.

The development would not be likely to result in any greater noise than the existing use of the residential property.

Therefore, the proposed development is considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1, 2, and 9, and Paragraph 5.28, of the House Extensions and Alterations SPD, and Policies within Chapters 12 and 16 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 number of bedrooms in the property will not increase as a result of the development, and there will be no requirement for the off-street parking to increase at the site, therefore, the current parking provision is acceptable to remain.

The development is set back adequately from the highway and as a result will have no significant impact upon 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. Representations

- It is believed that the proposed balustrade will be higher than 1.7m.

Officer Comment: The privacy screen is shown as 1.7m on the submitted plans, and this will be enforced via Condition 2 at the end of this report.

- The proposal is for privacy glass/screen to be used to the sides. This allows for an element of privacy into my lounge window if people choose not to look over the balustrade. Consideration needs to be given to the fact the properties are attached, and the lounge and dining room windows are to the rear of the property, these are habitable parts of my home which as a family we use daily and can't avoid. So, when looking out of my lounge or whilst cooking I am faced with a balcony and so-called privacy screen. This doesn't reduce the intrusive nature of the building.

Officer Comment: The privacy screen has been set in from the shared boundary, ensuring that any significant impacts upon the habitable windows in the rear elevation of the adjoined property, including overshadowing, overbearing, and overlooking, are avoided, and the privacy screen cannot be viewed from inside of the adjoined neighbouring property.

- This balcony will also have a negative effect my privacy within my south facing garden. The application mentions side privacy screens but does not consider the front of the balcony which will still directly look onto my garden. Again, affecting my privacy for which I have no way of protecting, as the balcony is on the first floor

Officer Comment: The use of a privacy screen surrounding the entire balcony is considered to safeguard the amenity of 66 Greenfield Avenue and the rear garden space of the adjoined neighbouring dwelling.

- The balcony is not in keeping with neighbouring properties. The nearest property with a full width of house balcony overlooks playing fields and not overlooking other properties as this one does.

Officer Comment: There is considered to be a presence of rear balconies/terraces in the street scene, and each application will be assessed on its own merit.

- There will be overlooking impacts onto 64 Greenfield Avenue.

Officer Comment: *The impact of overlooking has been addressed within the residential amenity section of this officer report.*

Letters of Support

- The property has previously had birds living in soffits and fascias, and trees growing out of the guttering and chimney. These works will improve the property and allow it to be well inhabited by its owners.

Officer Comment: *Noted.*

Letter of Comment

- Communications have been ongoing with Cllr Cahal Burke throughout the application, with regular updates being provided to aid responses to objectors and the applicants themselves. The application has not been called to planning committee.

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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/93123

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. Notwithstanding the plans submitted, the balcony shall not be brought into use until an obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) to a height of 1.7m high has been constructed to the side elevations of the balcony. The obscure glazed screen shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Details	2156-25-008	-	12/02/2026
Application Forms	-	-	10/11/2025
Climate Change Statement	2156	-	10/11/2025

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 sought it necessary to request the privacy screen on the shared boundary was set in to limit impacts upon the residential amenity of the adjoined dwelling.

The agent also proposed a 3.2m tall fence along the rear boundary of the site to ensure there would no overlooking impacts from the proposed balcony. The application was then re-advertised due to the introduction of the proposed fence.

Report Dated:

19/03/2026

