

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:	2025/62/93287/W
Site Address:	19, Smithy Way, Lindley, Huddersfield, HD3 3ZD
Description:	Erection of single storey rear and side extension
Recommending Officer:	Morgan Braithwaite

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Jun-2026

OFFICER REPORT

Site Description

19, Smithy Way. Lindley, Huddersfield, HD3 3XD is a two-storey terraced dwelling faced in stone. The property benefits from an area of amenity space to the front of the property along with a larger area to the rear. Parking provision is provided to the side of the property.

The dwellings which form the street scene are somewhat similar in scale, appearance and material palette. The area is predominantly residential with access to a variety of local amenities.

Description of Proposal

The applicant seeks permission for the erection of a single storey rear and side extension. The proposed rear extension is to project 3.2m from the rear wall of the host dwelling and span a width of 7.4m. The side extension is to project 2.3m from the side elevation and span a length of 8.1m. The proposal is to feature a lean to roof with a maximum height of 3.4m and an approximate eaves height of 2.4m.

Bi-folding doors shall feature in the rear elevation with three roof lights present in the rear roof plane. A new external side door shall feature along with a window to the front elevation.

History of Negotiations/Amendments

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. Amended plans were submitted following concerns raised in representations. These showed the proposal to be set in from the shared boundary, instead of being sited on the boundary line replacing the existing retaining wall.

Due to the nature of the amended plans in addressing officer concerns and those raised in representations, in reducing the potential impact of the proposal, the amended plans were not re-advertised.

Relevant Planning History

2018/91078: Erection of 82 dwellings, landscaping and associated works –
Section 106 Full Permission

2018/93914: Discharge of conditions 3,7,9,11 on previous permission
2018/91078 for erection of 82 dwellings, landscaping and associated works –
Discharge of Condition(s)

2019/90182: Discharge of conditions 4,6,10,12,13,14,15,17 previous permission 2018/91078 for erection of 82 dwellings, landscaping and associated works at land off Crosland Road, Oakes, Huddersfield, HD3 3PA – Discharge of Condition(s)

2019/91863: Variation of Condition 2 (plans and specifications) on previous permission 2018/91078 for erection of 82 dwellings, landscaping and associated works – Removal/Modification of Condition(s)

2021/90100: Discharge of condition 4 (noise) of previous permission ref: 2018/91078 for erection of 82 dwellings, landscaping and associated works – Discharge of Condition(s) split decision

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.

Final publicity date expired: 5th November 2025

One objection has been received as a result of site publicity.

- Boundary concerns and inaccuracies in the submitted plans
- Loss of natural light and compliance with 45 degree rule
- Overbearing and overshadowing impact
- Required one-metre gap

Consultation Responses

No consultations have been requested as part of the planning process.

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 27th February 2019). The site is unallocated on the Kirklees Local Plan. 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP 22** Parking

- **LP 24 – Design**

Kirklees Council adopted supplementary planning guidance on house extensions on 29th 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 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 12 – Achieving well-designed and beautiful places

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 Guidance

- House Extensions and Alterations SPD (June) 2021

Legislation

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

Section 38(6) of the Planning 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 on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations

7) Conditions

8) Conclusion

1) Principle of development

The site is without notation of 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 the 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 planning considerations, including visual and residential amenity, as well as highway safety.

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”.

2) Impact on visual amenity

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 and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The application relates to a single storey side and rear extension. The scale of both elements of the proposal is respectful of both the host property and the wider street scene; maintaining the character of both. It is noted that the proposal exceeds the projection stipulated in the HEASPD, by 0.2m. Due to the minimal nature of the non-compliance, marginal set in from the boundary and design of the proposal, the projection is deemed acceptable in this instance. The development is well designed and forms a subservient addition to the host dwelling.

The materials selected for construct the proposal are to match that of the existing dwellinghouse, enabling the proposal to work cohesively with the host dwelling and other properties within the street scene.

Having taken the above into account, the proposed extension 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.

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.”

No.17 is the adjoining property to the east of the application site. The proposed works are to take place to the west and south of the application site. These works are single storey in scale and are to be constructed of materials matching that of the existing dwelling. Existing boundary treatments shall provide partial screening of the proposal from no.17. Whilst it is noted that due to land levels, No. 19 is slightly elevated in relation to No.17, the proposal is single storey in scale and would not result in a significant adverse overbearing or overshadowing impact. No loss of privacy would occur to the occupants of No.17 due to the design of the proposal and presence of boundary treatment. No.21 is the neighbouring property to the west of the application property. There is approximately 6m between the side elevation of each dwelling; it is further noted that the application dwelling is set back from no.21. While the side extension is also to be located to the western elevation, due to its single storey scale, it is not anticipated that it would impose harm upon no.21. No openings are proposed within the side elevation of the proposal, and the presence of the existing boundary treatment would screen a substantial amount of the extension in any case.

In relation to the gardens of properties to the rear, a distance of over 8m would be retained to the shared boundary, which is considered to be

adequate so as not to have an adverse overbearing, overshadowing or overlooking impact. Existing solid boundary treatments would also screen the majority of the proposal in any case.

It is therefore deemed that due to the proposal's scale and design along with the geographical orientation and relationship with neighbouring dwellings, no significant issues are expected to arise in terms of overlooking, overshadowing/loss of light or overbearing impacts.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principles of the House Extensions and Alterations SPD.

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 proposal sees no alteration to existing parking provision; however it does see the addition of a third bedroom to the property. However, sufficient parking provision is already allocated for two vehicles; additional parking provision could be provided by removal of amenity space to the front of the property, should additional parking be required in the future.

Therefore, the proposal 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 and Alterations SPD.

5) Other matters

Carbon Budget

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 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.

6) Representations

One representation was received as a result of site publicity. The proposal was advertised by site notice, with the public consultation period ending 5th November 2025.

The representation made was an objection to the proposal and raised the following concerns:

- Boundary concerns and inaccuracies in the submitted plans – The submitted plans suggest that the existing boundary treatment is to be removed and replaced with the extension wall.
Officer response: This concern was discussed with the agent, who explained that the boundary fence is not to be removed. Amended plans have been submitted to show the boundary fence still in situ.
- Loss of natural light/overshadowing, overbearing impact and compliance with 45 degree rule – concern is raised that the proposal would result in a loss of natural lighting into ground floor habitable rooms.
Officer response: due to the geographic orientation of the dwellings, as well as the scale of the development it is considered that the proposal would not result in a loss of light; there may be potential for some overshadowing into the evening. However, there is an existing level change between the two dwellings along with the existing fence which mitigates the impact. Whilst the 45 degree line may be minimally breached at the outside corner of the extension, this would not be significant enough to warrant a reason for refusal. As such, due to the design of the proposal, it is deemed it would cause no significant loss of light. In addition, the majority of the side elevation of the rear extension would be screened by the existing boundary treatment.
- Required one-metre gap
Officer Response: The amended plans show the proposed rear extension to be set in from the boundary, however this would be by less than 0.5m. Whilst the Council's House Extensions and Alterations SPD advises that extensions should be set in by 1.0m from the shared boundary, the potential impact of the proposal in this case as a result of the proposed arrangement is not considered to be so significant to warrant refusal of the application for the reasons already set out above.

7) 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.

Matching materials condition

8) Conclusion

The application to erect a single storey side and rear extension at 19, Smithy Way, Lindley, Huddersfield, HD3 3ZD has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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 **CONDITIONAL FULL PERMISSION**

Decision Authorisation – Delegated Powers

Application Number: 2025/93287

Officer Recommendation: Conditional Full Permission

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 and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 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	Plan Reference	Version	Date Received
Location Plan	A00 – Location Plan	-	01.12.2025
Existing Site/Block Layout	P00 – Existing Sht 1	-	01.12.2025
Existing Floor Plans	P01 – Existing Sheet 2	-	01.12.2025
Existing Elevations	P02 – Existing Sheet 3	-	01.12.2025
Proposed Site/Block Plan	P10 – Proposed Sheet 1	Rev A	15.5.2026
Proposed Floor Plans	P11 – Proposed Sheet 2	Rev A	15.5.2026
Grouped Plans and Elevations	P12 – Proposed Sheet 3	Rev A	15.5.2026
Proposed Elevations	P13 – Proposed Sheet 4	Rev A	15.5.2026
Proposed Elevations	P14 – Proposed Sheet 5	Rev A	15.5.2026
Climate Change Statement	Climate Change Statement	-	01.12.2025

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. Amended plans were submitted and considered acceptable.

Report dated: 19th June 2026