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:	**2025/62/93544/E**
Site Address:	125A, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Erection of single storey rear extension and alterations, including flue on extension
Recommending Officer:	Morgan Braithwaite

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 26-Mar-2026

OFFICER REPORT

Site Description

125A, Marsh Lane, Shepley, Huddersfield is a two-storey detached dwelling faced in stone. The property benefits from an integral double garage, along with further parking to the front of the property. An area of amenity space is located to the rear (south-east) of the site.

The dwellings which form the street scene vary somewhat in appearance and scale. Dwellings residing on the south of the highway, including the property the subject of this application, are faced in stone, while the dwellings located to the north of the highway are predominantly constructed of red brick.
The area is semi-rural with access to local amenities.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear (south-east) extension with associated alterations. The proposed extension is to project 2m from the rear wall of the existing dwelling and span a length of 6.6m. The proposal shall feature a lean-to roof with a maximum height of 3.3m and an approximate eaves height of 2.6m. Additionally, a gable roof shall feature over the snug extension with a maximum height of 3.3m and an approximate eaves height of 2.6m.

The proposal is to be constructed of some matching materials along with new materials.

Matching materials include:

- Natural stone
- Cladding
- Blue slate
- UPVC

Powder coated aluminium is the material included in the proposal which does not match the existing. This material is to be applied to the new bifold sliding doors and therefore shall be minimal in its application and presence within the rear elevation.

The proposal also incorporates a flue to be erected on the rear extension at the section where it meets an existing rear projection.

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. As the proposal was considered acceptable, no amendments were sought.

Relevant Planning History

89/00191: Enclosure of existing balcony to form patio and barbeque area – Granted Conditionally

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: 13th March 2026

As a result of publicity by site notice; three comments have been received.

The first of the comments addresses concerns regarding the construction of eight dwellings to the rear of the property (planning ref. 2024/91202). These concerns highlight the proximity of the new development to that of the application property and therefore overlooking apprehensions.
Two further comments have been received in support of the application. Both indicate that the proposal would form a positive addition to the existing dwelling, along with not imposing adverse impacts on other neighbouring properties. Furthermore, both comments address the previous comment relating to the new dwellings which are to be located to the rear; suggesting that overlooking was an existing concern and that the developer is to erect boundary treatments to mitigate potential overlooking.

Kirkburton Parish Council were also notified of the proposal and had no comments to make on the application.

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 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
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conditions
7) 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”.

The principle of extending the property is considered acceptable in this instance. The proposal will now be assessed against the further criteria below.

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

The applicant has sought permission for the erection of a single storey extension to the rear (south-east) of the property. The extension is minimal in its projection and height, therefore remaining in keeping with the host dwelling while forming a subservient addition and retaining sufficient amenity space to the rear. The design and materials retain the character of the host dwelling and wider street scene.

The proposed flue will be positioned so as to be screened by the existing property as it will be positioned adjacent to an existing two storey projection. It will be designed so as to be of a high quality, blending in well with the aesthetics of the proposed extension.

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 designs 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.125 is the neighbouring dwelling located 1.2m to the south-west of the application site. The proposal is single storey in scale, minimal in its projection and is to be constructed to the south-east of the application site. Furthermore, the proposal would be partially screened by the boundary treatment which separates the two dwellings.

No.123 is located 1.4m to the north-east of the application site. The proposal is single storey in scale, minimal in its projection and is to be constructed to the south-east of the application site. Furthermore, the proposal would be partially screened by the boundary treatment which separates the two dwellings.

Other dwellings within the street scene are deemed to be unlikely to be impacted by the proposal due to separation distances, geographic orientation/location and partial screening by boundary treatments.

As such, no significant issues are expected to arise from overlooking, overshadowing/loss of light or overbearing impacts.

The proposed flue will be positioned so as to be screened by the existing property as it will be positioned adjacent to an existing two storey projection. Any impact from the flue in terms of noise and odour are not considered to be so significant to justify a reason for refusal with its position providing adequate mitigation.

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 Principals 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 does not see the intensification of the use of the property, nor the alterations to parking provision. No bedrooms are to be added to the property.

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

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: 13th March 2026

As a result of publicity by site notice; three comments have been received.

The first of the comments addresses concerns regarding the construction of eight dwellings to the rear of the property (planning ref. 2024/91202). These concerns highlight the proximity of the new development to that of the application property and therefore overlooking apprehensions.

Officer response: *This is addressed in the Assessment section of the above report.*

Two further comments have been received in support of the application. Both indicate that the proposal would form a positive addition to the existing dwelling, along with not imposing adverse impacts on other neighbouring properties. Furthermore, both comments address the previous comment relating to the new dwellings which are to be located to the rear; suggesting that overlooking was

an existing concern and that the developer is to erect boundary treatments to mitigate potential overlooking.

Officer response: *Noted*

Kirkburton Parish Council were also notified of the proposal and had no comments to make on the application.

Officer response: *Noted*

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.
Materials to match those submitted.

9) Conclusion

The application to erect a single storey rear extension to 125A, Marsh Lane, Shepley, Huddersfield, HD8 8AS 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 Governments 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: 2025/93544
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 where possible or if not matching the existing, materials should match those submitted
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	25/1270/01	-	06/01/2026

Existing Site/Block Plan	25/1270/02	-	06/01/2026
Proposed Site/Block Plan	25/1270/05	-	06/01/2026
Existing Elevations and Floor Plans	25/1270/03	-	06/01/2026
Proposed Elevations and Floor Plans	25/1270/04b	-	06/01/2026
Climate Change Statement	Climate Change Statement	-	06/01/2026

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.
No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 25th March 2026