

**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:	2025/62/93568/W
Site Address:	West Leigh Cottage, Armitage Fold, Dean Brook Road, Armitage Bridge, Huddersfield, HD4 7PA
Description:	Erection of first floor extension (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 03-Mar-2026

Officer Report – 2025/93568

Site Description

The application site refers to West Leigh Cottage, Armitage Fold, Dean Brook Road, Armitage Bridge, Huddersfield, HD4 7PA, a two-storey detached property faced in natural stone, with a natural stone slate roof, and uPVC windows and doors. Flat roof additions form part of the property. The application property lies in a locality with a mix of properties of varying size, scale, character, appearance, and age. Furthermore, the application dwelling benefits from a hard-standing parking area to the front as well as garden space to the rear.

Description of Proposal

The applicant is seeking permission for erection of a first floor extension (within a Conservation Area).

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

- Heritage Statement
- Flood Risk Assessment
- Climate Change Statement
- Flood Map
- Flood Risk Analysis

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2001/91401 - Erection of shower room/toilet and conservatory extension (within a conservation area) – Conditional Full Permission.

2001/92340 - Erection of shower room/toilet and conservatory extension (within a conservation area) (modified proposal) – Conditional Full Permission.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised as affecting the setting of a conservation area, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 12/02/2026.

No third party representations have been received.

Consultation Responses

No consultations were considered necessary for this application.

Allocation and Policy

The site is allocated in the Kirklees Local Plan as being within the Strategic Green Infrastructure Network & Armitage Bridge Conservation Area. The site is also located within Flood Zone 3 as identified by the Environment Agency, a bat alert layer, and a twice buffer.

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
- LP27 Flood risk
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment

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.

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.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment
- Chapter16 Conserving and enhancing the historic 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 Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

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.

The site is located within the Armitage Bridge Conservation Area and the Green Belt on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 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.

As the site is located within the Armitage Bridge Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

Considering the above policy, the principle of the development is considered to be acceptable subject to the development having an acceptable impact with regard to visual amenity, impact upon heritage assets, highway safety and all other relevant considerations which are taken into account in the following:

2 – Impact on character and appearance of the area (including impact upon historic environment):

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 5.1, 5.2, and 5.8 of the Council's House Extensions and Alterations SPD are relevant and outlined below:

- *Being set behind the original building, and not projecting beyond the sides; and*
- *respect the original house and garden in terms of its size and scale;*
- *use appropriate materials which match or are similar in appearance to the original house; and*
- *be in keeping with the scale and style of the original house;*

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

The proposed first floor rear extension is entirely set behind the original building, not projecting beyond the sides, while also respecting the original building regarding size and scale. Moreover, the extension will be constructed using matching materials including natural stone, a natural stone slate roof, and uPVC windows.

A condition is recommended to be in place upon any grant of permission which requires the use of matching materials. In this case, and on the basis of the inclusion of the recommended condition, the proposal is considered to

have an acceptable impact within the Conservation Area and is not considered to lead to harm in this case given it would see the alteration of a single storey flat roof addition. The proposal would improve the appearance of the building as a whole when compared to that the existing building currently has and on the basis of utilizing matching materials the proposal is concluded to be visually acceptable and preserve the setting of the listed building nearby to the site, the wider conservation area and have an acceptable visual impact to the host property and wider locality.

The proposed development is therefore considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, Principles 1 and 2 and Paragraphs 5.1, 5.2, and 5.8 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 Paragraphs 5.1, 5.2, and 5.8 of the Councils House Extensions and Alterations SPD are outlined below:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Maintaining external access to the rear garden.

- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and

- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed first floor extension does not remove any current amenity space at the dwelling as it is located above an existing single storey rear extension, thus not increasing the footprint of the dwelling. The existing external access to the area of rear amenity space will also be maintained.

The existing building to which the first floor extension is proposed is attached to a building to the south east of the application site. Given the proposal would not protrude beyond the north eastern elevation of this building it is considered that the proposed extension will have no significant impact upon overshadowing, overbearing, light, or outlook in relation to the single storey building to the south east.

The windows facing north west and north east are at an oblique angle to the nearest dwellings. The openings in the property to the north east are screened by vegetation to some extent. However, the proposal is a shortfall from the recommended 21m. Principle 3 of the House Extensions and Alterations SPD sets out that:

Extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

With the explanatory text stating:

In general, the following minimum separation distances and those shown in Figure 7 should be considered to ensure reasonable privacy between the original house and neighbouring properties. A minimum separation of:

- *no less than 12 metres is recommended between windows of habitable rooms that face onto windows of a non-habitable room*
- *no less than 21 metres is recommended between facing windows of habitable rooms*

The proposal features two openings serving a bedroom, one in the northern west elevation and one in the north eastern elevation. The orientation of the nearest property to the north west is such that overlooking from the window to the north western elevation is not considered to be significant as its outlook is not a direct relationship.

The north eastern elevation would see a more direct relationship which is 18m and being for a bedroom would see main habitable windows less than the recommended 21m. However the shortfall is not considered to be significant in this case and weight is afforded the orientation of the dwellings in relation to one another which is not a true direct relationship with a slight oblique setting. On balance given the distance proposed it is considered the impact from the proposed window would not be so significant to warrant refusal in this case.

The openings to the south east to be inserted into the existing building would be a sufficient distance and orientation so as to not lead to significant overlooking taking account of the fact it would serve a bathroom.

The proposal is considered to be an adequate distance from neighbouring properties such that it would not lead to overshadowing / oppressiveness or be unduly overbearing to an unacceptable degree.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6, and Paragraphs 5.1, 5.2, and 5.8 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 number of bedrooms in the property will increase by one as a result of the proposal, increasing the total number of bedrooms from two to three, however, this will have no impact on the required number of off-street parking spaces at the application site. As the parking area on site will not be reduced in scale, and will remain adequate, it is considered that this is acceptable to remain. Furthermore, the proposal will have no significant impact on highway safety as the dwelling is set well back from the closest highway.

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. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area and twite buffer, the proposals are relatively modest, and in this case would not significantly impact upon the existing roof space which has the potential for providing a roost for bats or twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or twite population. An informative would be included making the applicant aware that if bats or twites are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

Strategic Green Infrastructure Network

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

The proposal is not considered to have a significant impact in this regard given the nature of the proposal being a first floor development.

Flood Risk

Key design principle 14 of the House Extensions and alterations SPD requires that extensions and alterations should ensure that all new developments are resilient and resistant to flood risk. Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

In this case the applicable standing advice would be that floor levels remain no lower than those of the existing building, that would be the case with regard to the proposed development and is confirmed within the submitted detail. The proposal is therefore concluded to be acceptable having regard to the fact the site is within flood zone 3.

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
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/93568

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, LP27, LP30,

LP31 & LP35 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, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted the external walls and roofing materials used in the construction of the development 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 preserve the setting of the Conservation Area to accord with policies LP24 & LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans as Existing	1756/01	-	07/01/2026
Proposed Plans and Elevations	1756/02	A	07/01/2026
Application Forms	-	-	07/01/2026
Heritage Statement	-	-	07/01/2026
Flood Risk Assessment	-	-	07/01/2026
Climate Change Statement	-	-	07/01/2026
Flood Map Planning	-	-	07/01/2025
Flood Risk Analysis	-	-	07/01/2026

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 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 amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

03/03/2026