

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2026/62/90450/E</b>
Site Address:	26, Foxglove Road, Birstall, Batley, WF17 9NW
Description:	Erection of two storey side extension and associated alterations
Recommending Officer:	Nicole Helliwell

**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: 21-Apr-2026**

## **Officer Report**

**Reference No.** 2026/62/90450/E

**Site Address:** 26, Foxglove Road, Birstall, Batley, WF17 9NW

**Proposal:** Erection of two storey side extension and associated alterations

## **Site Description**

The application relates to 26 Foxglove Road, a two-storey detached property situated in Birstall, Batley. The dwelling is faced in brick and incorporates a dual-pitched finished in concrete tiles. The neighbouring properties are of residential use and comprises bungalows and two storey dwellings of varying architectural designs and styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

## **Description of Proposal**

The application seeks planning permission for the erection of a two-storey side extension and associated alterations. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed external alterations. The proposed works are summarised below:

- Two storey side extension (projection approx. 2.45m, overall height approx. 7.1m and eaves height approx. 5.1m)
- Installation of new garden gate with steps to provide access to the rear of the property

## **Relevant Planning History**

Not Applicable.

## **Representations**

The application was publicised by site notice, which expired on 8<sup>th</sup> April 2026. As a result of the above publicity, no representations have been received.

## **Consultation Responses**

Not Applicable.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

**Kirklees Local Plan Policies**

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality

**Supplementary Planning Guidance/Documents:**

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.

**In this case, the following SPDs are applicable:**

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

**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.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places

- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16<sup>th</sup> 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.

## **Assessment**

### **1. Principle of development**

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

### **2. Impact on Visual Amenity**

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

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

### **Two Storey Side Extension**

The proposed two storey extension would project approximately 2.45m from the side elevation of the original dwellinghouse. The enlargement would be

faced in brick and would incorporate a dual-pitched roof finished in concrete tiles to match the appearance of the host dwelling. Whilst the extension would be flush with the principal elevation, it would be modestly proportioned and would feature a lower ridge line which would enhance its subservience in relation to the host dwelling. The enlargement would alter the scale and form of the dwelling. However, this is considered acceptable given that the property and its curtilage would support the extension without it appearing incongruous or amounting to overdevelopment. For these reasons, it is considered that the proposed enlargement would not have any significant visual impact on the character and appearance of the surrounding area.

#### Gate and Steps

The submitted plans confirm that a new gate and steps would be installed to provide access to the rear garden. The steps would project approximately 1.12m and would have an overall height of approx. 0.44m. Whilst the steps would be visible from public vantage points along Foxglove Road, they are not considered to have any significant visual impact on the character and appearance of the surrounding area and would be acceptable with regard to visual amenity.

#### Summary

Having taken the above into account, the proposed development 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, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

### **3. Impact on Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that the residential properties east and south of the application site would not be affected by the proposed development.

#### Impact on 2 Heather Court

2 Heather Court is a residential property located to the west and occupies an elevated position relative to the application site. The submitted plans confirm

that a separation distance of approximately 10.3m would be retained between the proposed enlargement and the side elevation of no.2. Given that the neighbour's gable end only contains blank brickwork, it is considered that the proposal would not result in any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

#### Impact on 24 Foxglove Road

24 Foxglove Road is a two-storey semi-detached property located north of the application site. The submitted plans confirm that the proposed enlargement would be sited in close proximity to the common boundary shared with no.24. The proposed extension would not surpass the front and rear elevation of the neighbouring dwelling and would accord with the 45 degree angle in relation to the neighbour's fenestration. Whilst it is noted that no.24 contains a window at first floor level within its gable end, this is obscure glazed and is likely to be a non-habitable room. For these reasons, it is considered that there would be no significant detrimental impact on the neighbouring amenity as a result of the proposed development.

#### Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

#### Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

#### **4. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed alterations would not intensify the domestic use at the dwelling but would affect the existing parking arrangements on site. However, it is noted that there is sufficient space within the application site to accommodate two vehicles which would represent an acceptable provision for a three bedroomed dwellinghouse. Therefore, the development is considered acceptable in

accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

## **5. Other Matters**

### Carbon Budget

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

### Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

### Contaminated Land

The application site is located within 250m of a historic landfill site. As such, Officers consider it necessary to add an unexpected, contaminated land condition to the decision notice to ensure the proposal accords with LP53 of the Kirklees Local Plan.

There are no other matters relevant to the determination of this application.

## **6. Representations**

No representations were received following the statutory publicity.

## **7. Negotiations**

Amendments were sought during the course of the application. A request was made to lower the ridge line of the extension to enhance its subservience and lessen its visual impact. Revised drawings were received which were considered acceptable with regard to visual amenity.

## **8. Conclusion**

This application for the erection of a two storey side extension and associated alterations at 26 Foxglove Road 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation: Approve**

**Decision Authorisation** - Delegated Powers

**Application Number:** 2026/90450

**Officer Recommendation:** Approve

**Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP21, LP22, LP24, LP30 and LP52 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roof of the two storey side extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

4. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 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 41 of the Conservation of Habitats and Species Regulations 2010. 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 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: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	26/1283/01	-	19/02/2026
Existing Block Plan	26/1283/02	-	19/02/2026
General Arrangement as Existing	26/1283/03	-	19/02/2026
General Arrangement as Proposed	26/1283/04c	c	16/04/2026
Proposed Block Plan	26/1283/05	-	19/02/2026
Climate Change Statement	-	-	19/02/2026

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. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received addressed concerns relating to visual amenity.

**Report Dated: 16/04/2026**