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:	**2026/62/90730/W**
Site Address:	5, Ballroyd Lane, Longwood, Huddersfield, HD3 4TA
Description:	Alterations to create 4 storey dwelling and alterations to existing external envelope, construction of retaining wall and stepped access including associated works and alterations
Recommending Officer:	Joanna Rednall

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: 13-Oct-2026

The Site

5 Ballroyd Lane is a detached dwelling finished in natural stone, located in Longwood, Huddersfield. The property is split-level, appearing as a two-storey dwelling from the street and three storeys when viewed from the rear.

The property benefits from a small area of hardstanding to the front, together with a large lawned garden to the rear, which sits at a lower land level than the host property. The site is accessed from a single-lane road within an established residential area, where properties are predominantly finished in natural stone. The property is bound by PROW HUD/310/10 to the front.

The site is unallocated within the Kirklees Local Plan. It is not located within a Conservation Area, and there are no listed buildings in close proximity to the site.

The Proposal

The application is seeking planning permission for alterations to create 4 storey dwelling and alterations to existing external envelope, construction of retaining wall and stepped access including associated works and alterations.

The proposed alterations would result in the dwelling appearing as a two-storey property when viewed from the front and a three-storey property to the rear. Two rooflights are proposed within both the front and rear roof slopes to facilitate accommodation within the roof space. The overall height of the dwelling would remain unchanged at approximately 11.5m when measured from the rear.

The existing openings would be replaced, with an additional window proposed at ground-floor level to the rear, together with bi-folding doors serving the cellar floor. Any new walling would be constructed using natural stone to match the existing dwelling.

The second floor, formed within the existing roof space, would accommodate a master bedroom, dressing area and en-suite. The development would provide a total of three bedrooms.

To the rear of the property, a new wall would be constructed to link the existing raised platform with the rear garden, together with a set of stone steps providing access between the two areas.

History of Negotiations

An amended site plan has been submitted during the course of the application in response to parking and visibility concerns raised by KC Highways Development Management.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The application has been advertised by newspaper advertisement, site notice and on the Council's website in accordance with the Council's adopted Development Management Charter which incorporates the requirements of article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The application has been publicised as affecting a public right of way.

Final publicity date expired: 16 May 2026.

No representations were received as a result of the publicity. The amended plans were not re-publicised as these did not fundamentally change the development applied for, the description of development was altered as the boundary wall alterations and parking spaces have been removed.

Parish/ Town Council Comments

N/A.

Consultations

KC Highways Development Management (informal): Raised initial concerns with the proposed parking area and have requested submission of a visibility splay.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation & Policies

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 application site is unallocated within the Kirklees Local Plan and also falls within an area with a known presence of bats and identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

Chapter 3 Decision Making Policies
Chapter 4 Achieving Sustainable Development
Chapter 5 Meeting the challenge of climate change
Chapter 14 Achieving well designed places
Chapter 15 Promoting sustainable transport
Chapter 18 Managing flood risk and coastal change
Chapter 19 Conserving and enhancing the natural environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Kirklees Highway Design Guide (November 2019)

Legislation

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. 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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon 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. Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

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 proposed works are relatively minor in nature and would not result in any change to the overall footprint or scale of the dwelling. The proposed alterations to the fenestration would be residential in appearance and would remain in keeping with the architectural character of the host dwelling and the wider surrounding area. As such, the proposals would not result in any unacceptable harm to the character or appearance of the dwelling or its setting. The two proposed rooflights are modest in scale and would be broadly aligned with the existing fenestration and openings on the front and rear elevations. This approach ensures they appear proportionate to the dwelling and do not result in visual harm.

The proposed retaining wall and steps to the rear would be constructed in stone to match the materials of the host dwelling. Although these elements would be largely screened from public views, their use of matching materials would ensure that they integrate appropriately with the existing property and remain consistent with the prevailing character and appearance of the locality.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 14 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."*

In this case, the proposal is considered to have an acceptable impact on the amenity of neighbouring properties. The scale of the dwelling would remain unchanged, and no new habitable-room windows are proposed where none currently exist. The additional rear window would overlook the host property's own amenity space, while the proposed rooflights would not result in any direct overlooking of neighbouring properties.

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 of the adopted House Extensions and Alterations SPD, and advice within Chapter 14 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 15 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.

An informal consultation was undertaken with KC Highways Development Management, who initially raised concerns regarding the plans as submitted. The submitted plans identified two parking spaces to the east of the dwelling, between the application property and No. 7. Officers requested the submission of a visibility splay to demonstrate that the proposed spaces could operate safely and would not give rise to highway safety concerns.

A revised site plan was subsequently submitted by the agent on 15 July 2026, which omitted the proposed parking area. The area to the front of the dwelling would therefore remain the only off-street parking provision, consistent with the existing arrangement at the property.

Following the submission of the revised plans, the Case Officer raised concerns with the agent regarding the level of parking provision. The proposal would result in one off-street parking space serving a three-bedroom dwelling, which falls below the minimum recommendation of two parking spaces for a three-bedroom dwelling set out within the Extensions SPD. It is therefore acknowledged that the proposal does not fully accord with the adopted parking guidance in this respect.

The agent subsequently provided justification for the level of parking provision by email dated 21 September 2026, stating:

"The property was two dwellings: a 3 bedroom dwelling and the under dwelling 1 bedroom. Therefore, we have gone from two dwellings totalling four bedrooms to one three-bedroom dwelling, which is a reduction from the current use."

Therefore, whilst the proposal would provide only one off-street parking space and there is limited on-street parking capacity immediately outside the property, the development would not increase the overall number of bedrooms on the site. Consequently, the proposal would not be expected to result in a material increase in parking demand when compared with the established use and history of the site. The existing arrangement also

demonstrates that the site has historically operated with residential accommodation in excess of the level of parking provision currently proposed.

It is acknowledged that the proposal would provide fewer parking spaces than is normally expected for a three-bedroom dwelling under the Extensions SPD. However, the property has historically accommodated two dwellings comprising a total of four bedrooms, but will now function as a single dwelling, with the existing off-street parking arrangement retained. The current proposal would not increase the number of dwellings or bedrooms on the site and would therefore not result in an increase in parking demand arising from the development. In this context, the shortfall in parking provision is considered acceptable having regard to the circumstances of the site.

On balance and having regard to the particular circumstances of the site, it is considered that the identified shortfall would not result in an unacceptable impact on highway safety or parking conditions. The shortfall is therefore not considered to be sufficient to justify refusal of the application on highway or parking grounds.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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 15 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 19 of the National Planning Policy Framework are 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 alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats 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.

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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2026/90730

Officer Recommendation: APPROVE

Conditions

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

   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP30 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 3, 4, 5, 14, 15 and 19 of the National Planning Policy Framework

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(LOC)	-	16/03/2026
Existing Plans and Site Plan	(100)01	-	16/03/2026
Proposed Site Plan	(100)05	A	15/07/2026
Existing Elevations	(100)02	-	16/03/2026
Proposed Elevations	(100)04	-	16/03/2026

Plan Type	Reference	Version	Date Received
Proposed Plans	(100)03	-	16/03/2026
Climate Change Statement	-	-	18/03/2026
Application Form	-	-	16/03/2026

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. An amended site plan has been submitted during the course of the application in response to parking and visibility concerns raised by KC Highways Development Management.

Low coal