

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:	2026/62/91294/W
Site Address:	5, Clement Street, Crosland Moor, Huddersfield, HD4 5DL
Description:	Erection of single storey rear extension with raised decking and external steps (retrospective)
Recommending Officer:	Joshua Merriman

DECISION – REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Danielle Cooper

AUTHORISED OFFICER

Date: 09-Jul-2026

Officer Report – 2026/91294

Site Description

The application site refers to 5, Clement Street, Crosland Moor, Huddersfield, HD4 5DL, a two-storey terraced property faced in natural stone, with a blue slate pitched roof, and white PVC windows and doors. The application property lies within a relatively uniform street scene, surrounded by properties of a similar size, scale, character, appearance, and age. Furthermore, the dwelling benefits from an area of amenity space to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for Erection of single storey rear extension with raised decking and external steps (retrospective).

This application has been submitted as an action resultant of enforcement case COMP/24/0565 against unlawful development.

Supporting Information

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

- Climate Change Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

COMP/24/0565 - Unauthorised erection of rear extension

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 26/06/2026.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019).

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

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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change

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 Planning and Compulsory Purchase Act 2004.

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 the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Representations
6. 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.

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.

The dimensions of sustainable development will be considered throughout the proposal.

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 is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Considering the above policy, the principle of the development is considered to be acceptable.

2 – Impact on character and appearance of the area

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 5.6 of the Council’s House Extensions and Alterations SPD are considered relevant.

Visually, the rear patio and steps are considered to appear relatively sympathetic to the local area, as there are boundary fences and other elements to the rear of neighbouring properties which use a similar wooden material and therefore the patio and steps do not look unsympathetic in this context. Moreover, as they are located to the rear of the dwelling, they are not considered to significantly impact the street scene.

As for the rear extension, as this part of the development is much greater in scale and can be viewed from across the rear of the terraced row, it is considered that the use of such unsympathetic materials, including PVC Cladding and a flat PEDM black roof, is unacceptable and appears wholly unsympathetic in the context of the rear of the site. The neighbouring single storey rear extension which has been erected using matching and sympathetic materials, including stone and roof tiles, is considered an example of good, sympathetic design, however, the extension erected at the application property does not follow these principles and is therefore considered to appear incongruous and out of character with the street scene.

The proposed development is therefore not considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1 and 2 and Paragraph 5.22 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 5.6 of the Council's House Extensions and Alterations SPD are considered relevant.

The rear patio and extension are not considered to be of a scale that would result in significant overshadowing or overbearing impacts on neighbouring properties, having regard to the limited projection of the extension and the modest height of the patio, which would sit only slightly above the existing boundary treatment. However, the raised nature of the patio, together with its close proximity to adjoining and neighbouring residential properties, gives rise to concerns regarding the impact on the privacy and residential amenity of neighbouring occupiers.

The decking area would enable direct overlooking of the rear garden areas serving Nos. 3 and 7 Clement Street, as well as the properties located to the rear of the site on George Street. Owing to its elevated position, the decking would create a platform from which users would be afforded clear views into neighbouring private amenity spaces, resulting in an unacceptable loss of privacy. Consequently, the proposal would have a detrimental impact on the living conditions and residential amenity of neighbouring occupiers.

Considering the above assessment, the development would facilitate unacceptable levels of overlooking and impede the privacy of neighbouring occupants in an unacceptable manner. The development therefore cannot be supported in terms of residential amenity.

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 not increase as a result of the proposal, therefore, the required number of off-street parking spaces at the application site will remain unchanged. As there is no existing off-street parking area on site, it is considered that existing arrangements would be 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. Representations

No representations have been 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, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2026/91294

Officer Recommendation: Refusal

Reason(s) for Refusal

1. The rear decking, by virtue of its siting, elevated height and proximity to neighbouring properties, would result in unacceptable overlooking of neighbouring occupiers at Nos. 3 and 7 Clement Street and the properties to the rear of the site on George Street. This would lead to a significant loss of privacy and harm to the residential amenity of those occupiers. The development is therefore contrary to Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Chapters 2 and 12 of the National Planning Policy Framework, and Principles 3 and 4 of the House Extensions and Alterations SPD.
1. The single storey rear extension, by reason of the use of unsympathetic materials which fail to respect the character and appearance of the host dwelling and surrounding street scene, would result in a visually incongruous and discordant addition contrary to Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Chapters 2 and 12 of the National Planning Policy Framework, and Principles 1 and 2 of the Councils House Extensions and Alterations SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	14/05/2026
Proposed Site Plan	-	-	14/05/2026
Existing Plans and Elevations	-	-	14/05/2026
Application Forms	-	-	14/05/2026
Climate Change Statement	-	-	14/05/2026

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 beyond the scope of amendments due to its status as already constructed.

Report Dated:

26/06/2026