

**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:	2026/62/91583/E
Site Address:	215, Cumberworth Lane, Lower Cumberworth, Huddersfield, HD8 8PR
Description:	Erection of front porch and first-floor balcony
Recommending Officer:	Joanna Rednall

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: 01-Sep-2026

The Site

215 Cumberworth Lane is a two-storey semi-detached property located in Lower Cumberworth, Huddersfield. The property is finished in white render, with a pitched, tiled roof. It benefits from a two-storey wraparound extension to the north-west and north-facing elevations, finished with a flat roof.

The site forms part of a cluster of three dwellings, comprising No. 211, which is attached to the property, and a detached dwelling to the east.

The site is designated as Green Belt within the Kirklees Local Plan. It is not located within a Conservation Area, and there are no Listed Buildings in the vicinity.

The Proposal

The applicant is seeking planning permission for erection of front porch and first-floor balcony.

The proposed porch is located on the front/east-facing elevation and measures approximately 1.1m in depth and 2.3m in width, with a height of 1.8m to the eaves and 3.1m to the ridge. The porch would be of timber-frame construction with a pitched roof finished in slate.

The proposed balcony is located on the north-facing elevation and measures 2.3m in width, projecting 1.5m from the external wall. The balcony would be raised approximately 2.3m above external ground level and supported on a timber frame. A 1.1m-high steel balustrade would be provided around the perimeter of the balcony.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

Relevant planning history for this site is summarised as follows:-

2005/90002: Erection of detached double garage with store room over – Withdrawn

2005/90845: Erection of detached double garage – Conditional full permission

Publicity & Representations

The application has been advertised by 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).

Final publicity date expired: 20 August 2026.

No representations were received as a result of the publicity.

Parish/ Town Council Comments

Denby Dale Parish Council: No objections

Consultations

No statutory consultations were requested for this application.

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 high 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

- LP30 Biodiversity and Geodiversity
- LP53 Contaminated and unstable land
- LP57 The extension, alteration or replacement of existing buildings

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 13 Protecting Green Belt land
- Chapter 14 Achieving well designed places
- Chapter 15 Promoting sustainable transport
- Chapter 17 Pollution, public protection and security
- Chapter 19 Conserving and enhancing the natural environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

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:

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”.

Land allocation – Green Belt

Policy GB6(1) of Chapter 13 of the NPPF sets out that Development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7.

GB7(a) states that the reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building.

Policy GB6(2) details that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness.

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

In this case, a review of the planning history and historic imagery confirms that the dwelling has previously been extended beyond its original form through the addition of a two-storey extension. This is relevant when considering the cumulative impact of the proposed works and whether, when taken together with the existing extension, the additions would result in a disproportionate increase in the size of the dwelling.

The proposed works comprise a modest front porch and a balcony to the north-facing elevation. Whilst the existing two-storey extension has already increased the volume and footprint of the dwelling beyond its original form, the proposed additions are limited in scale and would have little effect on the overall bulk and massing of the property. The porch would be a small addition to the front elevation, whilst the balcony would be a lightweight structure projecting from the north-facing elevation. Overall, the proposed works would not result in a substantial increase in the volume or footprint of the dwelling and, when considered alongside the existing extension, would not be considered to result in a disproportionate addition to the original dwelling.

The proposal would therefore fall within the exception set out under Policy GB7(a) of the NPPF and would not constitute inappropriate development in the Green Belt. The proposal would also accord with Policy LP57 of the Kirklees Local Plan, which requires consideration to be given to previous extensions, the dominance of the original building, its overall appearance and the effect of development on Green Belt openness.

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.

In this case, the proposed porch would be located on the front elevation, where the SPD advises that front extensions should have regard to the guidance set out in paragraphs 5.13 and 5.14. The porch would be set well back from the pavement and would be largely screened from the highway. The elevation faces away from the highway and is further screened by the existing hedge, meaning the porch would have limited visibility and would not appear prominent within the public realm. It is modest in scale, with a limited projection and width, and would remain clearly subservient to the host dwelling.

The porch would be of an open timber-frame construction with a pitched slate roof, with the slate finish matching the existing roof materials of the dwelling. Given its modest scale, simple form and appropriate materials, the porch would read as a subordinate addition to the host property. It is therefore considered that the proposal would integrate satisfactorily with the existing dwelling and would not result in harm to the character or appearance of the street or the wider local area.

For these reasons, the porch is considered to have an acceptable visual impact.

Turning to the proposed first-floor balcony, this would also be modest in scale, measuring approximately 1.5m in depth and 2.3m in width. Its limited size and footprint would ensure that it remains subordinate to the host dwelling and would not appear overly prominent or dominant within the elevation. The balcony would be accessed through an enlarged first-floor window opening and would be visible from wider public vantage points along Cumberworth Lane. However, given its modest scale, height and lightweight form, it would not appear unduly prominent or result in harm to the character and appearance of the dwelling or the wider street scene. It would be constructed with a timber frame to match the proposed porch, together with a steel balustrade, resulting in a simple and lightweight addition that would sit comfortably with the existing dwelling.

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 design 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.”*

The proposed porch is modest in scale and, given its siting and relationship with the surrounding properties, would not result in any significant overshadowing, overlooking or overbearing impact on neighbouring occupiers.

The proposed balcony would be elevated approximately 2.3m above external ground level and, as such, has the potential to introduce additional opportunities for overlooking. However, the balcony would not be directly orientated towards No. 217 and would be positioned approximately 19m from its side elevation. The principal outlook from the balcony would instead be

towards the open fields to the north of the site. Furthermore, a site visit confirmed that the west-facing elevation of No. 217, which faces towards the application site, is blank. The principal private amenity space associated with No. 217 is located to the east of the property and would therefore be screened from direct views from the proposed balcony. On this basis, it is considered that the balcony would not result in a significant or unacceptable overlooking relationship or otherwise harm the privacy or amenity of neighbouring occupiers.

The balcony would be sited and designed such that it would not result in any harmful overbearing or overshadowing impacts on 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.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. The proposal would not impact existing parking arrangements and the development does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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.

Land stability

Policy LP53 of the Kirklees Local Plan and paragraph P2(1) of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph P2(4) of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The application site falls within an area at higher risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided in the event of any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraph P2(1) of the National Planning Policy Framework.

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: 2026/91583

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, LP53 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 3, 4, 5, 13, 14, 15, 17 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
Site / Location Plan	2609-PL-050	-	10/06/2026
Existing Elevations	2609-EX-200	-	15/06/2026
Proposed Elevations	2609-PL-200	-	15/06/2026
Application form	-	-	15/06/2026
Climate Change Statement	-	-	15/06/2026

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.

HIGH COAL