

**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:	2026/62/91705/W
Site Address:	42, Thomas Street, Lindley, Huddersfield, HD3 3JJ
Description:	Erection of single storey extension to rear
Recommending Officer:	James Evans

DECISION – REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 10-Sep-2026

Officer Report – 2026/91705

Site Description

The application site refers to 42, Thomas Street, Lindley, Huddersfield, HD3 3JJ, a two-storey terraced property, faced in coursed stone, with a blue slate roof and UPVC windows and doors. The property benefits from garden space to the rear. It lies in a relatively mixed street scene, surrounded by a mix of similar terraced properties and semi-detached bungalows.

Description of Proposal

The applicant is seeking permission for the erection of a single storey extension to rear. The proposed extension will project 5.7m from the existing rear wall, will have an eaves height of 2.4m and a total height of 3.7m. The proposed will utilise matching coursed stone walls and blue slate tiles for the roof, and will introduce anthracite windows and bifold aluminium doors.

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

The most relevant planning history relates to the following planning applications

- 2026/90164 – HHPD – Erection of single storey rear extension – Refused
- 2016/90215 (38 Thomas Street) – Erection of 1 no. Dwelling.
- 2012/91464 (40 Thomas Street) – Erection of single storey garden room – Conditional Full Permission

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 04/09/2026. No representations have been received.

Consultation Responses

No statutory consultations were requested for this application.

Allocation and Policy

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

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

- 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:

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- Chapter3 Decision Making Policies
- Chapter4 Achieving Sustainable Development
- Chapter5 Meeting the challenge of climate change
- Chapter14 Achieving well designed places
- Chapter15 Promoting sustainable transport
- Chapter17 Pollution, public protection and security

Supplementary Planning Documents

- Kirklees Highway Design Guide (adopted November 2019)
- House Extensions & Alterations SPD (adopted June 2021)

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

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 chapter 4 of the National Planning Policy Framework. The objectives of the policies in chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements. For proposals within settlements policy S4 sets out development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

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 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 14 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.

2 – Impact on character and appearance of the area

Visual Amenity

Policy LP24 of Kirklees Local Plan seeks to ensure development is of a suitable design. 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 and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The SPD incorporates a comply or justify principle insofar as where a scheme does not comply with the recommendations of the SPD is there relevant justification present.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations.

The proposed extension would be constructed of materials to match those used in the construction of the host dwelling, and would sit below the eaves level of the host dwelling, ensuring that it remains subordinate in form and does not appear as an unbalanced, dominant, or incongruous addition. It is to be entirely set behind the existing building and will maintain an appropriate amount of garden space. It is noted that the windows will be of an anthracite grey, which does not match the existing building, however this is considered acceptable given the matching walls and roof and location of the extension to the rear.

The extension will also be situated in a less prominent location, sitting at the rear of the dwelling, and will not be visible from the street. Its modest scale, materials, and subordinate relationship with the host dwelling mean that it would not result in a significant adverse impact on the character or appearance of the property or surrounding area.

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

3. Impact on Residential Amenity

Chapter 17 of the NPPF seeks to ensure an acceptable impact of development proposals in relation to residential amenity. Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Section 5.6 of the SPD relates specifically to single storey rear extensions and provides the following advice: Single storey rear extensions should: be in keeping with the scale and style of the original house; 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 metres; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Whilst it is noted that there is an existing rear projecting element to the rear of the application property which appears on historic maps pre-dating 1948, this does not occupy the full width of the rear elevation of the dwelling.

Impact on 40 Thomas Street

This property is located to the east of the application site.

The proposed extension will not project beyond the rearward projection of the existing building, which is adjoined to the west facing elevation of the extension at 40 Thomas Street. Therefore, also considering there are no proposed openings to this

elevation of the extension, it is considered there will be no concerns with regard to overlooking/privacy, overshadowing, and overbearing.

Impact on 44 Thomas Street

This property is located to the west of the application site.

The proposed extension adds an opening to the side elevation facing 44 Thomas Street, however this is to be a high-level window, as such it would not provide any overlooking opportunities and the extension is considered acceptable in this regard.

In terms of overshadowing impact, the proposed projection of 5.7m is considered unacceptable as the 45 degree rule is not met from the ground floor window of 44 Thomas Street, which appears to serve a habitable room, and this would lead to an unacceptable loss of light.

In terms of overbearing impact, the proposed extension would also create a boxed in effect, negatively impacting the outlook from the rear ground floor window of 44 Thomas Street. It is noted that planning permission was granted at 40 Thomas Street for a similar rear extension (2012/91464), however the neighbouring property (38 Thomas Street) had not been constructed when permission was granted, therefore this permission provides little weight in the assessment of this application, and cannot be considered to represent a precedent in this instance.

Taking into account the above, it is considered that the proposed extension would not 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 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 seeks to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, and is considered to be of relevance.

The number of bedrooms within the property will not be increasing, therefore it is considered it would be unreasonable of the LPA to insist upon provision of additional parking space.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

The development is set back adequately from the highway and as a result will have no significant impact upon highway safety.

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. Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in chapter 5 are details as being to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

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 5 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2026/91705

Officer Recommendation: Refusal

Reason for refusal

1. The proposal, by virtue of its projection, would result in an unacceptable overbearing and overshadowing impact on 44 Thomas Street, to the detriment of the residential amenity of the occupants of that property. To permit the proposal would be contrary to 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 17 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Forms			15/07/2026
Location Plan			15/07/2026
Existing and Proposed Floor Plans			15/07/2026
Existing Elevations			15/07/2026
Proposed Elevations			15/07/2026
Proposed Site Plan			15/07/2026
Climate Change Statement			15/07/2026

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: 09/09/2026