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:	**2026/62/91841/E**
Site Address:	37, Whitehall Rd East, Birkenshaw, BD11 2EQ
Description:	Erection of two storey infill extension and first floor balcony
Recommending Officer:	Jennifer Booth

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.

John Holmes

AUTHORISED OFFICER

Date: 02-Oct-2026

OFFICER REPORT

Site Description

37 Whitehall Road East is a detached, brick built dwelling with the frontage facing perpendicular to the road. The property has a drive to the front off a shared access with gardens to the side and rear.

The surrounding area is residential with properties with a mix of ages and styles.

Description of Proposal

The applicant is seeking permission to erect an infill extension to the front with alterations to the fenestration rear.

The infill extension would have a width of 4.4m and a depth of 3.3m with a pitched roof form. There would be a Juliet balcony on the front elevation.

The plans also include a Juliet balcony to the rear.

The walls of the extension would be constructed using brick with tiles for the roof covering.

Relevant Planning History

2004/92125 – erection of first floor extension over bungalow – approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The design raised concerns, in particular for the flat roof to the front and the provision of a projecting balcony to the rear. Amended plans were sought and received which altered the roof form, removed the projecting balcony at the rear and added a Juliet balcony. The alterations did not increase the size and as such the amended plans have not be advertised.

Representations

The application was advertised by site notice, which expired on 24/08/2026

As a result of the above publicity, 3 representations have been received. Raising the following summarised concerns:

- Overlooking impact arising from the development

- Use of frosted glazing to the windows currently
- Impact of the proposal upon privacy

Consultation Responses

None

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 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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.

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.

- Chapter 4 – Achieving sustainable development (S3: Presumption in favour of sustainable development)
- Chapter 5 – Meeting the challenge of climate change (CC2: mitigation of climate change & CC3: Adaption to climate change)
- Chapter 14 – Achieving well-designed places (DP3: Key principles for well-designed places & DP4: The design process)
- Chapter 17 – Pollution, public protection and security (P2: Ground conditions & P3: Living conditions and pollution)
- Chapter 19 – Conserving and enhancing the natural environment (N2: Improving the natural environment, N6: Areas of particular importance for biodiversity and geodiversity)

Assessment

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.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & 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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations 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 proposed front extension would infill the corner of the dwelling and incorporate a small pitched roof design. Owing to the orientation of the property, which sits perpendicular to the road, together with the limited scale and modest projection of the extension, the development would appear subservient to the host dwelling and would not dominate the existing built form. The use of materials to match the existing property would ensure a cohesive appearance and satisfactory integration with the dwelling. Furthermore, the surrounding area displays a varied and mixed pattern of development, and as such the proposal would not appear out of character with the streetscene. Overall, the extension is considered to preserve the visual amenity of the site and surrounding area in accordance with the relevant design policies of the development plan.

It is noted that paragraph 5.13 of the SPD sets out that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive. The SPD further sets out a comply or justify principle. In this case it is considered there is a varied street scene in which the extension would be viewed and the proposal would not be set forward of the forward most part of the front of the dwelling. In this case the context the extension would be viewed is considered to be such that there is sufficient justification for the extension as designed to the front.

The alterations to the existing rear window, including increasing its height and the installation of a Juliet balcony with a simple guard rail, would result in only a limited change to the external appearance of the dwelling. Given its position on the rear elevation and the modest nature of the works, the development would not appear visually prominent within the wider streetscene. The proposal would remain subordinate to the host dwelling and would not detract from its character or appearance. As such, the works are considered to have a negligible impact on visual amenity and are acceptable from a design perspective.

Having taken the above into account, the proposals 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 (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 14 of the National Planning Policy Framework.

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 House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 45 & 49 Whitehall Road East

The proposed alterations are not considered to result in unacceptable harm to the residential amenity of neighbouring occupiers. Whilst the development would increase the height of the existing first-floor window and introduce a Juliet balcony with a safety guardrail, it is noted that the opening already exists and serves a room which could lawfully be used as a bedroom, notwithstanding its current use as a dressing room. Although a condition attached to the original first-floor extension (application ref: 2004/92125) restricted the insertion of new openings, the proposal does not introduce an additional window but rather alters an existing one. It is noted that there was no requirement for the opening to be an obscure glazed opening by permission 2004/92125 and this opening could be replaced with clear glazing in any event.

Furthermore, no additional built form is proposed and the development would not bring any part of the dwelling closer to neighbouring properties. The closest properties to the rear are separated from the application site by a public footpath, with further screening provided by existing boundary treatments and vegetation. Given these circumstances, the proposal is not considered to give rise to a material increase in overlooking or loss of privacy and would not result in an overbearing or oppressive impact on neighbouring occupiers.

With regards to the impact on the neighbouring 45 & 49 Whitehall Road East, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 14 of the NPPF and the proposals are considered to be acceptable.

Impact on 35 Whitehall Road East

The proposed development is not considered to result in unacceptable harm to the amenity of the occupiers of 35 Whitehall Road East, located to the north of the application site. Whilst the front extension would project forward of the neighbouring dwelling, it is modest in scale and, when considered alongside the separation provided by the gap between the properties, would not appear unduly dominant or give rise to a significant loss of light. As such, the proposal is not considered to result in an overbearing impact or unacceptable overshadowing of the neighbouring property. Furthermore, the proposed Juliet

balcony in the front elevation would look over the shared drive with limited potential for overlooking the adjacent dwelling.

In addition, the proposed alterations to form a Juliet balcony at the rear would not introduce any unacceptable levels of overlooking. The opening already exists and the proposal is limited to increasing its height and installing a safety guardrail, with no external balcony platform being created. Consequently, there would be no material increase in opportunities for overlooking as a result.

With regards to the impact on the adjacent 35 Whitehall Road East, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 14 of the NPPF and the proposals are considered to be acceptable.

Impact on flats 1 – 4 of 31 Whitehall Road East

The proposed development is not considered to result in unacceptable harm to the amenity of the occupiers of the flats located opposite the application site. Whilst the alterations would include the formation of a Juliet balcony, there is a sufficient separation distance between the buildings and screening is provided by existing boundary treatments and vegetation. Given these factors, the proposal would not lead to a material increase in overlooking or loss of privacy. Furthermore, the development does not involve any significant increase in built form towards the flats and therefore would not result in an overbearing impact or unacceptable overshadowing.

With regards to the impact on the neighbouring flats 1-4 of 33 Whitehall Road East, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 14 of the NPPF and the proposals are considered to be acceptable.

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 & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

<u>Impact on highway safety</u>:

The proposals will result in some limited intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in

terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

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 for consideration.

Representations:

3 representations have been received. The summarised concerns raised being as follows:

- Overlooking impact arising from the development
- Use of frosted glazing to the windows currently
- Impact of the proposal upon privacy

Response: *These matters relate to a material consideration, in this case impact upon residential amenity. The section of this report titled 'Impact on residential amenity' considers the impact of the proposal in relation to these matters.*

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a front extension with a Juliet balcony and alteration of rear window to Juliet balcony at 37 Whitehall Road East has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & 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 proposals are 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.

As set out above, 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: 2026/91841
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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions &

Alterations SPD and the aims of chapter 12 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 regulations of the Conservation of Habitats and Species Regulations 2017. 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: -

Plan Type	Reference	Web ID	Date Received
Location plan	PL01	1148020	07/07/2026
Site plans	PL04 A	1156187	03/09/2026
Floor plans	PL02 A	1156185	03/09/2026
Elevations	PL03 A	1156186	03/09/2026
Climate change statement	-	1148058	07/07/2026

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 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 design raised concerns, in particular for the flat roof to the front and the provision of a projecting balcony to the rear. Amended plans were sought and received which altered the roof form, removed the projecting balcony at the rear and added a Juliet balcony. The alterations did not increase the size and as such the amended plans have not be advertised.