

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:	2026/62/92290/W
Site Address:	38, Grange Avenue, Marsden, Huddersfield, HD7 6AQ
Description:	Formation of patio and steps
Recommending Officer:	Joshua Merriman

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 12-Oct-2026

Officer Report – 2026/92290

Site Description

The application site refers to 38, Grange Avenue, Marsden, Huddersfield, HD7 6AQ, a two-storey terraced property faced in stone, with a pitched tiled roof, and uPVC windows and doors. The application property lies in a relatively uniform street scene, surrounded by properties of a similar size, scale, character, appearance, and age. Furthermore, the dwelling benefits from a small area of hard-standing amenity space to the front and rear.

Description of Proposal

The Scheme

The applicant is seeking permission for Formation of patio and steps.

Supporting Information

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

- Climate Change Statement

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

02/10/2026 – Proposed Plans and Elevations – AV 03

History of Negotiations / Amendments Received

Officers requested the use of a 1.8m high privacy screen to the boundaries of the proposed patio, ensuring that concerns regarding overlooking and privacy did not remain from the previous refusal 2026/91456, and these reasons for refusal were completely overcome regarding overlooking and privacy.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2026/91456 – Formation of patio and steps – Refused.

Reason: The proposed development, by reason of its siting, design, and relationship with neighbouring properties, would result in unacceptable levels of overlooking and a consequent loss of privacy to adjacent occupiers, having a detrimental impact on the residential amenity of neighbouring occupiers.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 09/10/2026.

Although new plans have been received, the publicity period was still open upon receipt of these amendments, therefore, a second publicity period was not considered necessary.

Letters of Objection

- The development will cause overlooking and overshadowing impacts.
- The development is out of keeping with other terraced properties.
- The side walls are leaking at the application property.
- This is the second application with the first being rejected.
- Sewage drains and gas pipes reside under this area of the site.
- The patio should be lowered to the same height as neighbouring gardens.
- The infill of this patio is from the cellar and has been lowered without a partitions wall agreement.
- The patio will have an impact on any sale of neighbouring properties.
- The proposed opaque screen could be removed by future owners.
- The screen will further block light, look visually oppressing, and create a feeling of being 'hemmed in'.
- As no changes have been made to the materials used there is still a substantial flood risk (to the adjoining pathway and neighbouring properties) as there is no possible soak away areas, we get lots of adverse weather in Marsden and this should be considered.

- There is no vegetation at all as everything has been covered with stone or concrete, this will have a negative impact on local wildlife and nature's equilibrium.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The site is allocated in the Strategic Green Infrastructure Network within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer and twice buffer.

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
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter4 Achieving Sustainable Development
- Chapter5 Meeting the challenge of climate change
- Chapter14 Achieving well designed places
- Chapter19 Conserving and enhancing the natural environment

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.
The Conservation of Habitats and Species Regulations 2017

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 the NPPF.

National decision-making policy S3: Presumption in favour of sustainable development 1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means: a. Policy S4 in this Framework should be applied when considering development proposals within settlements; b. Outside settlements, policy S5 should be applied; and c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

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.

National decision making Policy: S4: Principle of development within settlements 1. Development proposals within settlements 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.

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 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.

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

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.

National policy DP3 of the NPPF requires development to respond positively to its context and contribute to the creation of well-designed places, having regard to matters including local character, built form, appearance and materials. Development which is not well designed should be refused when assessed against national and local design policies and guidance. Policy DP4 further requires design quality to be considered throughout the assessment and delivery of development proposals.

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 sympathetic in the context of the site, given most neighbouring properties have a hard-standing rear amenity space and the development has been constructed using matching and sympathetic materials including stone and a timber to match the existing dwelling. Furthermore, as the development is to the rear of the dwelling, it is not easily viewed from the street scene and thus has no significant visual impact on the local area.

Although the proposed development incorporates 1.8m-high privacy screens, having regard to the existing boundary treatments within the application site and those located to the rear of neighbouring properties, it is considered that the proposed boundary treatment would not appear significantly out of character with the surrounding area. Furthermore, as the screens would be situated to the rear of the property, they would not have a significant impact on the street scene.

The proposed development is therefore 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 14 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.”

Policies within Chapter 17 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 recommendations of Paragraphs 5.1, 5.2, and 5.6 of the Council's House Extensions and Alterations SPD are considered relevant.

The proposed rear patio is not considered of a significant scale that it would detrimentally impact neighbouring properties via adverse impacts on overshadowing, overbearing, light or outlook.

As the amended patio area has been decreased in height, and contains privacy screens at 1.8m in height, it is considered that the overlooking and privacy impacts outlined within previous application 2026/91456 have been overcome, as the privacy screens would prevent overlooking from this area of the application site.

Despite the screens' height, as the adjoining property to the West is of a similar land level, and the neighbouring dwelling to the East has no ground floor window imminently against the boundary, it is considered that this addition would cause no significant impact upon residential amenity.

Considering the above, the development would be acceptable with regard to residential amenity.

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 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 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 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.

6. Other Matters

Impact upon Ecology

Chapter 19 of the National Planning Policy Framework is 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 roosting area and twite buffer, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats and twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat and twite populations. An informative would be included making the applicant aware that if bats or twites 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. Subject to informative the proposal is considered to be acceptable in this regard.

7. Representations

- The development will cause overlooking and overshadowing impacts.

Officer Comment: The privacy screens surrounding the patio are considered to negate any overlooking impacts, with the patio itself not being of a great enough scale to cause overshadowing impacts. The screening will also cause no overshadowing as outlined in the 'Residential Amenity' section of this report.

- The development is out of keeping with other terraced properties.

Officer Comment: This has been addressed in the 'Visual Amenity' section of this report.

- The side walls are leaking at the application property.

Officer Comment: This is not considered to constitute a material planning consideration.

- This is the second application with the first being rejected.

Officer Comment: Each application is assessed on its own merit, with multiple applications being allowed at one address.

- Sewage drains and gas pipes reside under this area of the site.

Officer Comment: This is not considered to constitute a material planning consideration.

- The patio should be lowered to the same height as neighbouring gardens.

Officer Comment: As no significant impacts are considered to arise from the patio, the height is considered acceptable.

- The infill of this patio is from the cellar and has been lowered without a partitions wall agreement.

Officer Comment: This is not considered to constitute a material planning consideration.

- The patio will have an impact on any sale of neighbouring properties.

Officer Comment: This is not considered to constitute a material planning consideration.

- The proposed opaque screen could be removed by future owners.

Officer Comment: The screens will be secured by condition to remain for the lifetime of the development.

- The screen will further block light, look visually oppressing, and create a feeling of being 'hemmed in'.

Officer Comment: This has been addressed within the 'Residential Amenity' section of this report.

- As no changes have been made to the materials used there is still a substantial flood risk (to the adjoining pathway and neighbouring properties) as there is no possible soak away areas, we get lots of adverse weather in Marsden and this should be considered.

Officer Comment: The application site is note located within a Flood Risk Zone, therefore, this is not considered to be a significant issue for this site.

- There is no vegetation at all as everything has been covered with stone or concrete, this will have a negative impact on local wildlife and natures equilibrium.

Officer Comment: As the development is a householder application type, BNG requirements are not necessary for this application.

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. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/92290

Officer Recommendation: Conditional Full Permission

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 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 4, 5, 14, and 15 of the National Planning Policy Framework.

2. Prior to the occupation of the development, the obscure glazed screens surrounding the patio hereby approved should be erected at a height of 1.8m, and shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and policies within 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 regulation 42 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 applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	02	B	14/08/2026
Proposed Plans and Elevations	03	C	02/10/2026
Application Forms	-	-	14/08/2026
Climate Change Statement	-	-	14/08/2026

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. Officers sought the provision of 1.8m privacy screens

Report Dated:

10/10/2026