

**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:	2026/62/92403/W
Site Address:	38, Heights Drive, Linthwaite, Huddersfield, HD7 5SU
Description:	Erection of side extension
Recommending Officer:	Dhruv Gopalakrishnan

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: 07-Oct-2026

THE SITE

38 Heights Drive, Linthwaite, HD7 5SJ is a single storey detached dwelling on a corner plot. The dwelling is faced in light coloured brick and features dark coloured concrete tiles to the roof. The entrance to the dwelling is preceded by an off-street parking area, paved in tarmac. The site benefits from amenity space around all faces of the host dwelling including lawn space next to the entrance and an area characterised by decking, stone flags and sloping flags preceding the south face of the dwelling. The south and west boundaries are marked by a dwarf wall with timber fencing, while the north boundary is marked by hedge and the east boundary is marked by timber fencing.

The site is within a suburban residential area with dwellings that vary in character and design.

THE PROPOSAL

The applicant is seeking planning permission for a single storey side extension on the southwest corner of the building. The extension is planned to be used as cloak and utilities room. The extension will project 3.52 metres from the existing west facing elevation and measure 4.68 metres in depth from the south facing elevation. The room will measure 3.18 metres in width and 3.98 metres in length. The extension will be 2.56 metres high from the ground level to the eaves and will have a gable roof. The roof ridge will be 3.80 metres high from the ground level and set down from the ridge of the host dwelling by 0.77 metres. The roof will be positioned 90 degrees to the host dwelling.

The submitted plans indicate that the extension will not be set back from the building line, being aligned with the south face of the host dwelling. The material finish of the extension would also match the existing host dwelling with the extension faced in brick and roofed with concrete tiles. New fenestration would be added to the north and south faces of the extension and the entrance door to the dwelling would be moved to the north face of the extension.

HISTORY OF NEGOTIATIONS / AMENDMENTS RECEIVED

The applicant's agent was contacted with a recommendation made to give consideration to setting the proposal back by 0.5 metres from the south face of the dwelling. The applicant's agent has pointed to a number of points considered to be in justification of the scheme as proposed, which are taken into account in assessing this application.

PLANNING HISTORY

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

2007/94160 – Erection of single storey extension – Conditional full permission

2020/91952 - Erection of extension to garage and porch, Refused for the following reason:

The proposed extension, by virtue of its prominent siting, unsympathetic form and appearance, and scale, would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the character, quality and appearance of the area. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

The scheme the subject of the 2020 application was a flat roof extension, larger and protruded beyond the southern elevation of the host property. As such it is considered there is a materially different scheme being proposed the subject of this application, and minimal weight is afforded the previously refused scheme given the differences between the proposals.

PUBLICITY & REPRESENTATIONS

The application has been publicised in accordance with Councils adopted Development Management Charter which incorporates the legislative publicity requirements of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

As such, this application has been publicised via site notice.

Final publicity date expired 1 October 2026 – no representations received

Letters of objection

None received

Letters of Support

None received

Letters of Comment

None received

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

The site is within a Strategic Green Infrastructure network in the adopted Kirklees Local Plan.

The site also falls within a development high risk area as identified by the mining remediation authority.

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:

-

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 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

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 this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

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 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.

Para 5.17 of the SPD states that single storey side extensions should be offset and complement the original building. As such, single storey side extensions should

- not extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- and be set back at least 500mm from the original building line to allow for a visual break.

The extension is mostly in accordance with the SPD guidelines for single storey side extensions. The height, width and material finish of the proposal is appropriate for the host dwelling. A gap of approximately 4.9 metres would be retained with the boundary, which would be sufficient to avoid any harmful impacts to visual amenity and significant losses to curtilage area. The proposed positioning and size of the roof will also ensure that the extension will remain subservient in appearance to the host dwelling. However, the set back of the extension from the original building line is not in accordance with the SPD as the proposed side extension would be aligned with the south face of the dwelling.

Notwithstanding the aforementioned merits of the proposal, the extension is still deemed acceptable in this case. A sufficient gap, measuring 8 metres, between the south face of the dwelling and site boundary will be maintained after development as this area would not be built upon. This would ensure provision of an appropriate visual break with the development. Given that the dwelling is of a detached nature

and the site does not form part of a uniform street scene, a 500mm setback is not essential to provide a visual break. Sufficient justification is therefore considered to be present in this case in relation to the fact the proposal is flush with the wall. A condition requiring matching materials is recommended.

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:

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.

As the proposal would be within the boundaries of the site and the extension would be single storey, it is considered that there will be no significant impact upon residential amenity for neighbouring residents. The proposed fenestration would directly overlook onto amenity space and the proposal is sited at an acceptable distance to avoid overlooking onto neighbouring properties given the boundary treatments in place and single storey design. The size of the extension is also not considered to interrupt access to daylight and sunlight for neighbouring residents.

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 12 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 proposal will not impact the existing parking space or access to highways as there will be no changes to the current provision of off street parking / bin storage on the site. The proposal is not considered to have a significant impact, therefore, upon access and highway safety / vehicular parking.

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 – Other matters:

Ecology

Policies within chapter 19 of the National Planning Policy Framework are relevant and seek to influence the design and location of new development to help drive nature's recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and recognising the centrality of natural capital to delivering sustainable growth.

The Conservation of Habitats and Species Regulations 2017 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. It is acknowledged that the proposal does not impact any Habitats and Species of Principal Importance.

The proposal is not considered to have a significant impact in this regard given the scheme as proposed.

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. 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.

The proposed development is planned to include several measures to address climate change. In spite of this, 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. The proposed development is also planned to include several measures to address climate change.

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

Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2026/92403

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).
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 to accord with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapters 14 of the National Planning Policy Framework.
3. Notwithstanding the plans submitted the external walls and roofing materials of the development 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Floor Plans and Elevations	01		02/09/2026
Block and Location Plans	02		02/09/2026
Climate Change Statements			02/09/2026
Application Form			02/09/2026

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 and otherwise actively engaged with the applicant in dealing with the application. Set back of the proposal was recommended for consideration and justification set out by the applicants' agent.