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:	**2026/62/92428/E**
Site Address:	18, Elm Court, Highburton, Huddersfield, HD8 0TB
Description:	Demolition of existing conservatory and bay projection and erection of single storey rear extension
Recommending Officer:	Ellen Gilbert

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: 27-Oct-2026

THE SITE

The application site relates to 18 Elm Court, Highburton, Huddersfield, HD8 0TB. The application property comprises a two-storey semi-detached dwelling constructed of brick under a gable roof finished in concrete roof tiles. The principal elevation fronting the highway features UPVC fenestration and a decorative doorway. The dwelling is set back from the highway and is fronted by an area of hard and soft landscaping, including a tarmac driveway which runs along the side of the dwelling, providing parking for at least one car. To the rear of the property is a pre-existing single storey conservatory, lawn and a detached garage. The boundary treatments to the rear of the dwelling are primarily timber fencing.

The surrounding area is characterised by other residential properties of similar age and design.

THE PROPOSAL

The applicant is seeking planning permission for the demolition of the existing conservatory and erection of a single storey rear extension.

The extension will abut the rear elevation by approximately 2.5 metres and will measure approximately 3.5 metres in height from the ground to the ridgeline and 2.34 metres to the eaves. The roof form will be lean-to and the proposed construction materials are brick to match the host dwelling, with concrete roof tiling. Fenestration and openings will be in PVC to compliment the existing windows and doors to the rear of the property. Two Velux windows are proposed within the roof of the extension, with double doors and a triple-panelled window looking out to the garden. The south and north elevations of the extension will feature one window each, with the opening towards Number 17 of a narrower and higher position.

PLANNING HISTORY

There is no planning history for the site which is considered relevant to the current proposal.

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 which expired on the 30th of September 2026. No representations were received.

Parish Council Comments

Kirkburton Parish Council- No objection

CONSULTATIONS

No statutory consultations were requested for this application

ALLOCATION & POLICIES

The site is unallocated in the adopted Kirklees Local Plan. The application site falls within an area at high risk of ground movement as a result of past mining activities as determined 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
LP53 Contaminated and unstable land

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.

Paragraphs 5.1, 5.2, 5.5, and 5.6 of the House Extensions & Alterations SPD are of relevance with regards to the rear extension as the require the development proposed to be located and designed to minimise the impact on the character of the area and neighbouring properties, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. In this case, the proposed extension is considered acceptable in terms of its impact on the character and appearance of the host dwelling and the wider streetscape. Whilst it is hidden from view from the main street, the extension accords with the guidance set out within the SPD in respect of its dimensions and design. The proposed is clearly subservient to the host dwelling by virtue of its scale and as such, would integrate satisfactorily with the existing property. Its construction in brick with concrete roof tiles mirror the original dwelling, whilst the proposed lean-to roof design reflects the prevailing roof forms found within the surrounding area.

As such, the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan, Policies KLP1 and KLP2 of the House Extensions and Alterations SPD, and Chapter 12 of the National Planning Policy Framework, which collectively seek to ensure high-quality design and protect local character

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.

Number 17

Paragraphs 5.3, 5.5 and 5.6 note that rear extensions can have an adverse impact on neighbouring properties and set out that, to minimise this, such extensions should maintain a gap of at least 1 metre from a property boundary, not exceed 4 metres in height and not project out more than 3 metres from the rear wall. The host dwelling is adjoining Number 17 and forms part of a pair along Huddersfield Road. The neighbouring property is situated to the left of the dwelling and subsequently, 0.3 metres is retained between the inner wall of the extension and the boundary between the two properties. Though this is below the guidance set out in the SPD, Number 17 also features a small single-storey extension which is set back by approximately 1 metre to the other side of the boundary fence, therefore reducing any concerns regarding overshadowing. In addition, though one narrow window is proposed to the elevation facing Number 17, it is of a design and position to minimise any concerns regarding privacy. Furthermore, the proposed extension will be replacing the existing conservatory and as such, the proposed is considered to not be materially different. As such, it is considered that the proposed development will have less than significant impacts on neighbouring amenity.

It is therefore considered that in terms of visual 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 affect the on-site parking provision and therefore, it is considered acceptable to remain as it currently meets the needs of the dwelling.

Though nothing is noted on the provided plans, waste storage remains unaffected by the development and 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.

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:

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.

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.

Land Stability

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Mining Remediation Authority. Whilst falling within a high-risk area the Mining Remediation 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 regarding previous mining activity, which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any

grant of approval. As such it is considered that the proposal is acceptable regarding ground stability in accordance with policy LP53 and Chapter 17 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: 2026/92428

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 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 3, 4, 5, 14, 15 and 17 of the National Planning Policy Framework

2. 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 Plans and Elevations	2513 01		01/09/2026
Proposed Plans and Elevations	2513 02		01/09/2026
Block Plan			01/09/2026
Location Plan			01/09/2026
Climate Change Statement			01/09/2026
Planning Statement	PDJB/2513		01/09/2026

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated 22/10/2026

Coal – high