

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:	2026/62/92444/E
Site Address:	106, Hawthorne Way, Shelley, Huddersfield, HD8 8PX
Description:	Erection of single storey rear extension with raised patio, access steps, glass balustrade and associated alterations
Recommending Officer:	Laura Yeadon

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

Officer Report

[Weblink](#)

Site Description

106 Hawthorne Way is a large detached property located within an area without notation within the Kirklees Local Plan. The property is set within a sloping site with the ground level of the rear garden area set on a much lower level than the finished floor level of the property. The property is constructed from stone with a tiled roof with uPVC windows and doors. To the front of the property is a small lawned garden area along side a double drive which leads to 2 no. integral garages and to the rear is a lawn which slopes downwards towards the rear boundary.

Surrounding development is comprised of predominantly detached dwellings which vary in terms of size, scale and design.

Description of Proposal

The application is for the erection of a single storey rear extension with raised patio, access steps, glass balustrade and associated alterations.

Single storey rear extension

The proposed single storey rear extension would lie flush with the side elevation facing No. 104 and would project from the rear elevation of the property by 4 metres and having a total width of 6 metres. The extension would have a flat roof being an overall height of 4.2 metres. The proposed construction materials would be white render set upon a stone constructed dwarf wall.

Raised patio, access steps and balustrade

The proposed raised patio would sit adjacent to and lie flush with the projection of the extension infilling the space between the side elevation of the proposed extension and the side elevation of the existing property facing No. 108. Steps would provide access from the extension to the patio which would be raised above ground by 0.6 metres. The balustrade would sit above the rear elevation of the patio at a height of 1.2 metres. The patio would be constructed from stone.

Associated alterations

As part of the submitted scheme, it is proposed that one of the integral garages would be changed to residential accommodation. Whilst the works would mainly be internally, it is proposed that one of the garage doors would be removed and replaced with a window.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, during the application period, the Agent submitted amended plans to add additional windows into the extension under reference revision B. Therefore, it is this plan, which was received on 24th September 2026 which forms the basis of the assessment.

Relevant Planning History

1995/92073 Erection of 185 dwellings with garages/parking spaces – Refused – Appeal Dismissed

1996/91815 – Erection of 84 dwellings with garages/parking spaces – Approval of Reserved Matters

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice.

Final publicity date expired 1st October 2026 – no representation received

Kirkburton Parish Council – replied with no comment

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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.

- Chapter 3 – Decision Making Policies
- Chapter 4 – Achieving Sustainable Development
- Chapter 5 – Meeting the challenge of climate change
- Chapter 14 – Achieving well designed places
- Chapter 15 – Promoting sustainable transport
- Chapter 17 – Pollution, public protection and security
- Chapter 19 – Conserving and enhancing the natural environment

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

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to

secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 14 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of rear extensions, the SPD contains the following:

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;

- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 14 of the NPPF set out that development should be of an acceptable design. 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 proposed extension and works would be mainly to rear of the property and would retain a reasonably sized garden and would be set behind the building lines of the property. External access to the rear of the property would be retained and the extension would not project more than 4 metres from the rear elevation of the property, therefore complying with the requirements of the SPD. Whilst the construction materials for the garden room would not be totally in keeping with the use of white render as the finishing material, stone would be present as this would form the dwarf wall. The extension would be to the rear of the property and whilst visible from public vantage points along Hawthorne Way, as the structure is single storey in height, it is not considered that the material palette would be so harmful that there would be sufficient justification to refuse the application on the use of render as a finishing material.

The proposed raised patio would be barely visible and therefore there are minimal concerns regarding this part of the proposed scheme,

The proposed garage conversion would result in one of the existing garage doors being removed and replaced by a window which would be in keeping with those evident within the host dwelling.

Taking into account all the above, the proposed works are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 14 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and 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.

In terms of overlooking, the proposed openings within the extension would be within the rear elevation of the extension. Due to the separation distance and the orientation of the dwelling beyond the rear boundary of the site, there are minimal concerns regarding overlooking from the extension itself. With regards to the raised patio this would be at an elevated position approximately 0.6 metres above ground level. There are minimal concerns with regards to the impact on overlooking to No. 104 and the property to the rear and to the adjacent property No 108 there is an existing fence which protects privacy. To the front elevation the alteration to change the garage door to a window would not reduce the established separation distances and therefore there are minimal concerns.

With regards to overshadowing or being overbearing, the extension extend beyond the existing side elevation facing No. 104 Hawthorne Way. This property has a building line which is set back from the building line of the application site. The submitted plans are clear that the extension would be set back from the rear elevation of this property and therefore would not create significant harm to the occupiers of this property. A site visit confirms that there are no side elevation openings within the neighbouring property that would be affected by the proposed works.

The raised patio would lie flush with the side elevation of the property facing No. 108 Hawthorne Way however as this is at a limited height with boundary screening in place, it is not considered that this element of the scheme would cause significant harm to this property.

The works to convert the garage would not result in an increase in footprint to the building and therefore, there would be no harm to neighbouring properties as a result of the works.

Therefore, it is considered that the proposed extension and works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case there would be no changes to the bedroom provision of the property, however, there would be a potential loss of a parking space as a result of the conversion of one of the garages. The garage provision which would be lost is substandard in terms of its size and is of an insufficient size to be considered as off-street parking provision, therefore the loss of the garage provision would not result in a loss of a parking space for the property. The property hosts off-street parking to the front by way of a driveway and therefore, as there would be no loss of provision, it is considered that the proposal is acceptable in terms of highway safety and parking provision.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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. 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 pre-

dates 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.

A Climate Change Statement has been submitted which details the proposed mitigation measures.

Biodiversity – Policy N2 of Chapter 19 of the National Planning Policy Framework are 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as the proposed extension is single storey in height.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to 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 with regard to ground stability in accordance with Policy P2 of the National Planning Policy Framework.

6 – Representations:

None

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: 202692444

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 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP53 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 3, 4, 5, 14, 15 17 and 19 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	ST0532 - 0100		1 st September 2026
Existing site plan, elevations and floor plans	ST0532 – 0110		1 st September 2026
Proposed site plan, elevations and floor plans	ST0532 – 0210 – Rev: B		1 st September 2026
Climate Change Statement	Appendix A		1 st September 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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 21st October 2026

Coal – low