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:	**2026/62/92529/E**
Site Address:	4, Moorland View, Emley Moor, Huddersfield, HD8 9SY
Description:	Erection of first floor extension to enclose existing balcony
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: 04-Nov-2026

Officer Report – 2026/92529

DECISION LEVEL:

This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.

Site Description

The application site refers to 4, Moorland View, Emley Moor, Huddersfield, HD8 9SY, a two-storey detached property faced in stone, with a pitched tiled roof, two rear gables, 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 hard-standing parking area, as well as amenity space, stables, and an outbuilding to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for erection of first floor extension to enclose existing balcony.

Supporting Information

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

- Climate Change Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

91/00071 - ERECTION OF GARAGE EXTENSION AND PORCH – Conditional Full Permission.

94/90446 - CHANGE OF USE OF EXISTING PRIVATE STABLES TO COMMERCIAL STABLES – Refused.

94/91962 - CHANGE OF USE OF EXISTING PRIVATE STABLES TO COMMERCIAL STABLES – Conditional Full Permission.

95/92311 - RENEWAL OF TEMPORARY PERMISSION FOR USE OF EXISTING PRIVATE STABLES TO COMMERCIAL STABLES – Conditional Full Permission.

2001/92986 - ERECTION OF STABLE BLOCK – Conditional Full Permission.

2001/93769 - ERECTION OF 2 STOREY EXTENSION, CONSERVATORY AND DETACHED GARAGE – Refused.

- The proposals by virtue of their size and design would be considered out of keeping with the scale, character and appearance of the host building, to the detriment of the openness and visual amenity of the Green Belt.

2002/91169 - ERECTION OF 2 STOREY EXTENSION, CONSERVATORY AND DETACHED GARAGE – Conditional Full Permission.

2006/93361 - ERECTION OF DETACHED GARAGE / OUTBUILDING – Refused.

- The proposed garage by virtue of its size, scale and design would result in an overbearing feature, which would be incongruous in relation to the character and appearance of the host dwelling and detrimental to the visual amenity of the Green Belt.

2010/90430 - Alterations to roof – Conditional Full Permission.

2018/91442 - Prior notification for single storey rear extension – NANR Not Required.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 23/10/2026.

Letters of Comment

- Denby Dale Parish Council have raised no objections.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The site is allocated Green Belt within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer, and an area at high risk of ground movement due to previous coal mining activity.

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
LP57 The extension, alteration or replacement of existing buildings

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
Chapter13 Protecting Green Belt land
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.

Green Belt

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph GB7.

Within Paragraph GB7(1) the exception listed as part b) is for *'the reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces'*.

The proposal seeks the erection of a first floor extension to enclose the existing balcony. The infill extension would be constructed with a roof design that aligns with the existing eaves of the host dwelling. Given its limited scale and the fact that it would not increase the overall footprint of the property, the proposed extension is not considered to represent a disproportionate addition. Consequently, the development is considered acceptable and compliant with Kirklees Local Plan Policy LP57 and Paragraph GB7(b) of the NPPF.

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, 2, and 9 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 5.8 of the Councils House Extensions and Alterations SPD are outlined below:

- *Being set behind the original building, and not projecting beyond the sides; and*

- *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*

- *be in keeping with the scale and style of the original house;*

The proposed first floor extension is contained within the original building footprint and would not project beyond the sides. As such, it is considered to respect the character of the host property in terms of its size, scale and form. Furthermore, the roof height would align with the existing eaves level, ensuring a cohesive and sympathetic relationship with the host dwelling. The proposed roof lantern is not considered to result in any adverse visual impact on the appearance of the property and is therefore regarded as acceptable. In addition, the extension would be constructed from stone with a single ply membrane roof. A condition will be imposed to ensure the walls of the extension match those of the host property.

The proposed development is therefore considered to comply with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1 and 2 and Paragraphs 5.1, 5.2, and 5.8 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 proposed first floor extension does not remove any current amenity space at the dwelling as it is located within the existing footprint of the property, thus not increasing the floorspace of the dwelling. The existing external access to the rear amenity space will also be maintained. Furthermore, due to the limited scale of the proposal, and the absence of neighbouring properties immediately to the East, it is considered that there will be no significant impact upon neighbouring properties with regard to overshadowing, overbearing, light, outlook, or privacy.

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, and Paragraphs 5.1, 5.2, and 5.8 of the adopted House Extensions and Alterations SPD, and advice within Chapter 17 of the National Planning Policy Framework.

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, this will have no impact on the required number of off-street parking spaces at the application site. As the parking area on site will not be reduced in scale, and will remain adequate, it is considered that this is 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, 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. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats 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

No representations have been received.

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 **CONDITIONAL FULL PERMISSION**

Decision Authorisation: Delegated Powers

Application Number: 2026/92529

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, 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 2, 9, 12 and 14 of the National Planning Policy Framework.

3. The external walls used in the construction of the extension hereby approved shall in all respects match those used in the construction of the existing building, with a single ply membrane roof as outlined in the submitted plans also being acceptable.
Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees
Local Plan and the aims 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	26034-03-P02	-	09/09/2026
Proposed Plans and Elevations	26034-04-P02	-	09/09/2026
Application Forms	-	-	09/09/2026
Climate Change Statement	-	-	09/09/2026

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 2024 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: 27/10/2026