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:	**2026/62/92572/W**
Site Address:	78, Moor Lane, Netherton, Huddersfield, HD4 7JB
Description:	Removal of existing conservatory and erection of replacement single storey rear extension with associated alterations
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.

Danielle Cooper

AUTHORISED OFFICER

Date: 06-Nov-2026

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

THE SITE
78 Moor Lane, Netherton, Huddersfield HD4 7JB is a two storey semi-detached dwelling faced in render and red brick with concrete tile roofing. The west elevation has a two storey side extension set back 3m from the front wall of the house, projecting approximately 8.05m and extending beyond the rear wall of the host dwelling. There is also a conservatory on the south elevation measuring approximately 3.44m in width, 3.9m in length and 3.12m in height. Both the conservatory and host dwelling have pitched roofs while the side extension has a flat roof. The site benefits from amenity space to the front and rear of the dwelling with a garden to the rear and parking space to the front. The site is located in a suburban residential area with a variety of house types. The dwelling is located at the end of a row of semi-detached dwellings, forming part of a consistent building line that runs parallel to Moor Lane. The site is in close proximity to two primary schools with the rear elevation facing towards Lightenfield Recreation Ground.

THE PROPOSAL

The applicant is seeking planning permission for the destruction of the existing conservatory and erection of a single storey rear extension in its place. The proposed extension would be smaller in size than the existing conservatory and would project up to the rear wall of the existing side extension. The proposed rear extension would project approximately 3m from the rear wall of the host dwelling and measure 5.9m in width and 2.8m in height. This would connect the existing side extension with the proposed rear extension, creating a wrap around extension at the first floor level. The proposed extension would have a flat roof with three roof lanterns. The walls will be faced in red brick and render while the doors and windows would be constructed with black UPVC, matching the existing dwelling.

HISTORY OF NEGOTIATIONS / AMENDMENTS RECEIVED

None

PLANNING HISTORY

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

2026/91836 - Certificate of lawfulness for proposed removal of existing conservatory and erection of single storey rear extension with associated alterations - Certificate of Lawfulness Refused

The certificate of lawfulness was refused as it was considered that the single storey rear extension and rendering did not benefit from a general planning permission planning permission under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as:

- proposed enlargement would extend beyond a wall forming the side elevation of the original dwellinghouse and would have a width more than half the width of the original dwellinghouse contrary to sub-paragraph A.1 (j) (iii) of Class A.
- the development would not comply with sub-paragraphs A.1(h), A.1 (i), A.1 (j) (i), (ii) & (iii) and A.1(ja) of the Order.
- the proposed works would fail to comply with paragraph A.3 of the same Order.

93/03409 – Erection of conservatory extension - Conditional Full Permission

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 22nd October 2026 – no representations received
Parish/Town Council comments – not applicable
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 located within the Netherton & South Crosland Neighbourhood Area as allocated in the adopted Kirklees Local Plan. The site is located in an area with a recorded presence of twites.

The site also falls within a development low 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 replacing the conservatory with a single storey rear extension 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.

Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey extensions to rear 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 dimensions of the proposed rear extension comply with the guidance situated in the House Extensions SPD. As well as this, the materials proposed to be used in the

construction of the proposed extension would match the materials of the walls, doors and windows of the existing dwelling. This would ensure that the proposed extension would be subservient in size and scale to the existing dwelling and would match with the character of the existing dwelling.

While flat roofs often raise a planning concern, in this case the flat roof for the rear extension is deemed acceptable as it would match with the roof of the existing side extension, would be well screened from the street scene and would not appear domineering due to the height of the extension. The site is also located in an area where flat roofs appear to be characteristic of extensions to dwellings. Furthermore, the proposed addition of roof lanterns on top of the roof would ease the visual appeal of the extension.

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 proposed development is relatively small in scale and would be contained within the site curtilage, it is considered that the development would have little impact on neighbouring dwellings and residents. It is rather likely that the proposed development would reduce the impact to residential amenity to neighbours caused by the existing conservatory as the rear extension would be smaller in size. The rear extension would also be surrounded by hedges and well screen from Moor Lane, which would eliminate any potential to create overlooking onto roads or neighbouring dwellings. The proposal would also provide a larger dining and kitchen space within the household for current and future occupiers which would improve residential amenity of the dwelling.

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 proposed development is sited at the rear of the dwelling and away from the street. As a result, there would be no impact to parking / bin storage or access to highways and roads from this proposal.

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. Whilst it is acknowledged that the site is located within an area with a recorded presence of twites, the proposals are relatively modest and would not have any detrimental ecological impacts.

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.

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: 2026/92572

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 Chapter 14 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted the external walls 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
Location Plan	26-005-01		14/09/2026
Existing Plans and Elevations	26-005-03		14/09/2026

Plan Type	Reference	Version	Date Received
Proposed Plans and Elevations	26-005-04b		14/09/2026
Existing Block Plan	26-005-02		14/09/2026
Proposed Block Plan	26-005-05		14/09/2026
Climate Change Statement	26005		14/09/2026
Application Forms	PP-15213832		14/09/2026

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.