

**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:	<b>2024/62/93344/E</b>
Site Address:	3c, Upper Croft Road, Healey, Batley, WF17 7SX
Description:	Erection of single and two storey rear extension
Recommending Officer:	Jennifer Booth

**DECISION - Refused**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 25-APR-2025

## **OFFICER REPORT**

### **Site Description**

3c Upper Croft Road is a brick built, end terraced property. The dwelling has a drive to the front and paved areas to the side and rear.

The property is located off the main road with similar properties attached and older terraced properties surrounding.

### **Description of Proposal**

The application is seeking planning permission for a single and two storey rear extension.

The ground floor would project 6.4m from the original rear wall of the property, set back to 3m at first floor and extending across the full width of the dwelling. The extension will comprise of a lean-to roof with roof lights over the ground floor and a hipped roof over the first floor with roof lights.

The plans also show the formation of roof lights within the rear original roof plane.

The walls are proposed to be constructed using brick with tiles for the roof covering.

### **Relevant Planning History**

2024/92331 - Larger home notification - Agreed

### **History of negotiations**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. Discussions have taken place via email outlining the position of Officers being unable to support the proposals and suggestions on what that the agent could pursue which may overcome their concerns. However, the agent clarified that the suggestions would not allow the applicant the required space and the application should be determined as originally submitted.

### **Representations**

The application was advertised by neighbour letters, which expired on 07/01/2025

As a result of the above publicity, no representations have been received.

### **Consultation Responses**

None

## **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

## **Assessment**

### Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 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.

### Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state 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 details.

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The ground floor of the proposals, whilst projecting 6 metres and therefore contrary to the SPD guidelines, has already been agreed through the larger home notification scheme. As such, there is a realistic fall-back position in the form of this agreed application and to refuse on this basis would be unreasonable. The first floor would have a lesser projection of 3m and would extend across the width of the dwelling. There would be no additional footprint. The materials proposed would include the use of brick for the walling with tiles for the roof covering which would match the main house. The detailing including the fenestration and roof form would form an acceptable relationship with the main house. The rear extension can therefore be considered to be acceptable in terms of visual amenity

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

#### Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties directly to the rear which could be affected by the works proposed.

#### *Impact on 3b Upper Croft Road*

The ground floor of the proposals, whilst projecting 6 metres and therefore contrary to the SPD guidelines, has already been agreed through the larger home notification scheme. As such, there is a realistic fall-back position in the form of this agreed application and to refuse on this basis would be unreasonable.

The first floor would have a lesser projection of 3m. However, the host property is stepped 1m further back than the adjoining property. As such, the extension would at its full extent, end 4m from the rear wall of the adjoining property and would have an overbearing and oppressive impact on the first floor window of the adjoining dwelling. Given the position of the extension to the west of the adjoining dwelling, there would be potential for overshadowing in afternoon. The windows in the rear elevation would look into the applicants own amenity space and would not therefore result in any loss of privacy.

With regards to the impact on the adjoining 3b Upper Croft Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and are considered to be unacceptable.

#### *Impact on 5 & 7 Upper Croft Road*

The neighbouring properties to the west side are situated some 14m from the host property. Although it is noted that the extension would not reduce the

space between the properties, there would be a new bedroom window in the side elevation. However, this is not considered to result in additional overlooking, over and above the existing arrangements on site as there is already a bedroom window facing west. Any overshadowing would be limited and would not create any significant harm.

With regards to the impact on the neighbouring 5 & 7 Upper Croft Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals would result in an overbearing impact and overshadowing in the afternoon of the first floor windows in the adjoining 3b Upper Croft Road. The proposals are therefore considered to result in an adverse impact on residential amenity and thereby fail to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 5 & 6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

#### Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and there is additional communal parking for the three properties in this group which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

#### Other matters:

##### *Committee request*

Councillor Gwen Lowe requested the application be heard at the District-Wide Planning Committee in order that members could consider the harm against the benefits of providing an enhanced provision of foster care. The application was brought before the Chair of the District-Wide Planning Committee, Councillor Sheikh Ullah. Councillor Ullah reviewed Officers assessment, the site history, nature of the development proposal and the contents of Cllr Lowes request. It was concluded that the application be determined by officers, under delegated powers, as per the Council Constitution Scheme of Delegation.

##### *Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single & two storey extension to the rear of 3c Upper Croft Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed rear extension, by reason of its projection and position along the shared boundary with the adjoining property would result in an overbearing and oppressive impact on the first floor window of the adjoining dwelling. To permit the proposed development would therefore be contrary to Policy LP24, KDP 5 & 6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**Refuse**

## Decision Authorisation - Delegated Powers

**Application Number:** 2024/93344

**Officer Recommendation:** Refuse

### Reasons for refusal

1. The proposed first floor rear extension, by reason of its projection and position along the shared boundary with the adjoining property at 3b Upper Croft Road would result in an overbearing and oppressive impact on the first floor window of the adjoining dwelling. To permit the proposed development would therefore be contrary to Policy LP24, KDP 5 & 6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	001a	1067658	28/11/2024
Existing & Proposed Site Plans	002a	1067345	28/11/2024
Existing & Proposed Floor Plans	003a	1067349	28/11/2024
Existing & Proposed Elevations	004a	1067348	28/11/2024
Climate Change Statement	-	1067659	28/11/2024

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 Planning 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.

Discussions have taken place via email outlining the position of Officers being unable to support the proposals and suggestions on what that the agent could pursue which may overcome Officer concerns. However, the agent clarified that the suggestions would not allow the applicant the required space and the application should be determined as originally submitted. The application was brought before the Chair of the District-Wide Planning Committee, Councillor Sheikh Ullah. Councillor Ullah reviewed Officers assessment, the site history, nature of the development proposal and the contents of Councillor Lowes request. It was concluded that the application be determined by officers, under delegated powers, as per the Council Constitution Scheme of Delegation.

**Report Dated** 23/04/2025

