

**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:	2025/62/90074/E
Site Address:	Cambrai, 52, Boothroyd Lane, Dewsbury, WF13 2LH
Description:	Removal of existing side and rear structures and erection of replacement two storey side extension, single storey rear extension and rear balcony
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 22-Apr-2025

OFFICER REPORT

Site Description

Cambrai, 52, Boothroyd Lane, Dewsbury, WF13 2LH is a two storey, semi-detached dwelling which is in the middle of the street in a residential setting and east of Burking Road.

The dwelling has a private rear garden, its own driveway and is set back from the road by amenity space to the front. Properties in the street scene form a reasonably consistent building line.

Within the immediate street scene, properties are of similar style and scale; however, there are several examples of extensions within the street scene.

Description of Proposal

This application has been received for - Erection of a two storey side and single storey rear extension with rear balcony.

The side element of the proposal would extend 3.3m beyond the western boundary, at first floor level, set back from the principal elevation by 1.6m and have a depth of 6.4m. The proposed two storey extension would not extend beyond the rear of the original dwelling. The maximum height of the proposal would be 8.2m and set down from the ridge of the dwelling by 60cm.

The rear extension would be stepped, extending a maximum of 4.3m beyond the rear elevation of the dwelling along the western boundary and 3.2m beyond the rear of the dwelling along the eastern boundary. This would feature a flat roof with a maximum height of 3.1m

The single storey rear extension would include a balcony at first floor level.

The proposal would feature a rendered finish.

Relevant Planning History

N/A

Representations

The application was initially advertised by site notice, which expired on 7/03/2025

No comments received

Consultation Responses

N/A

Negotiations

Alterations were requested during the course of the application to reduce the impact on the neighbouring dwelling and clarification was sought regarding the use of the ground floor window at no.50.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP22**- Parking
- **LP53**- Contaminated and unstable land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th 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.

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 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 12 – Achieving well-designed and beautiful places

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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – 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 and 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

It is considered that the House Extension and Alterations SPD is relevant in this instance as the proposal would be alterations to existing dwellings.

Key Design Principle 1 of the House Extension & Alterations SPD states 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.

Section 5.3 of the House extension and Alterations SPD refers to side extensions and states that two storey side extensions should:

- Not take up all or most of the space to the side of a house.
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property.
- be set back at least 500mm from the front wall of the house.

It is considered that, due to the orientation of the dwelling in the street scene, the spacing between the application property and the non-attached neighbour is not consistent with others in the street scene, which as a result, the proposal would not take up all or most of the space at the side of the dwelling. Due to the angled relationship with the neighbouring building a reasonable gap would be maintained which is a positive characteristic of the street. The proposal would be set down and set back from the host dwelling which would aid its subservience, and the proposal would be reasonably set back from the public realm.

Section 5.3 of the House extensions refers to rear extensions and states that single storey extension 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.
- The proposal should gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The single storey rear extension would be stepped, as a result it would extend a maximum of 4.2m beyond the rear elevation of the host dwelling and a minimum of 3.2m.

Officers consider that the proposal would be single storey, retain sufficient amenity space to the rear of the dwelling and would not be visible from the public realm. Therefore, from a visual perspective, the proposal would accord with LP24 of the Kirklees Local Plan.

The use of render on the proposal is not a material currently on the property. However, the visible part of the extension to the side will be set back and the palette proposed is considered to work well with the overall design concept in this instance as it would not alter the character of the entire dwelling is an accent feature in this instance.

Having taken the above into account, subject to conditions, the proposed development would integrate with the host dwelling and the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

3 – 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 Extension & 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.

50 Boothroyd Lane: adjoins the application property as a semi-detached pair to the east.

Overlooking: The proposal would not feature any side facing windows and the balcony would be set away from the shared boundary with adequate screening proposed.

Overshadowing/loss of light/overbearing: The proposal would be located immediately on the shared boundary between the dwellings. No.50 has one window immediately adjacent to the shared boundary which officers are of the understanding relates to a WC. Officers consider that, due to the scale of the proposal, the relationship between the properties and that the room immediately adjoining the boundary is non habitable, that no significant issues would arise regarding overshadowing/loss of light or overbearing.

54 Boothroyd Lane: adjoins the application site to the west.

Overlooking: The proposal would feature three side facing windows at ground and first floor level. It is considered that as these windows are secondary, they could be conditioned to be obscured, and this would remove any concerns regarding overlooking. The proposal features a balcony to the rear, officers consider it appropriate to impose a condition requiring an additional screen on the western elevation to prevent any overlooking.

Overshadowing/loss of light/overbearing: The proposed two storey extension would not extend beyond the rear elevation of the host dwelling and would be located to the east of no.54. The single storey extension would be located to the east of no.54. It is considered that due to the orientation of the dwellings and the scale, no significant issues would arise regarding overshadowing/loss of light or overbearing.

Although officers would be conditioning the imposition of an additional screen, it is considered that this would be set a sufficient distance to not raise any concerns regarding overshadowing/loss of light or overbearing.

Due to the location of the proposal, no other properties would be impacted.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees

House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

4 – Impact on highway safety:

There would be parking retained on site for a minimum of two cars and there are no parking restrictions on the street.

The proposal would therefore comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is an extension to existing buildings. 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.

6 – Representations:

N/A

7 – Negotiations:

Officers requested alterations were made to the single storey extension and the location of the proposed balcony.

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.

As set out above, 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: 2025/90074

Officer Recommendation: Approve

Conditions and Reasons

Conditions and Reasons:

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.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.
2. Notwithstanding the approved plans, the windows in the western elevation of the proposal shall feature obscured glazing to a Pilkington level 4 or equivalent and be retained for the lifetime of the development.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory impact on the residential amenity of neighbouring residents, and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.
3. Notwithstanding the approved plans, a 1.8m screen shall be added to the western elevation of the proposed balcony prior to first use and retained thereafter for the lifetime of the development.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory impact on the residential amenity of neighbouring residents, and to and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date
Location Plan	EX (002)		31/01/2025
Proposed Site Plan	(20)002	B	17/04/2025
Existing Elevations and Floor Plan	EX (001)	A	31/01/2025
Proposed Elevations and Floor Plans	20(001)	D	26/03/2025
Climate change statement			31/01/2025

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 has, 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.

Alterations were requested during the course of the application to reduce the impact on the neighbouring dwelling and clarification was sought regarding the use of the ground floor window at no.50.