

**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:	2025/62/90078/E
Site Address:	25, Manor Farm Drive, Soothill, Batley, WF17 6HQ
Description:	Erection of first floor extension
Recommending Officer:	Jennifer Booth

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: 23-Jul-2025

OFFICER REPORT

Site Description

25 Manor Farm Drive is a semi-detached dormer bungalow of brick construction with existing extensions to the front and rear. The property has gardens to the front, a driveway to the side and gardens to the rear. The property has a detached outbuilding built recently under permitted development.

The surrounding properties are similar in terms of age and style.

Description of Proposal

The applicant is seeking permission for the erection of a first floor rear extension.

The extension would project 2.9m from the original rear wall of the dwelling and would be set in 2.9m from the shared boundary with the adjoining property with a low level pitched roof form.

The walls would be constructed using brick with tiles for the roof covering.

Relevant Planning History

1997/90070 - erection of ground floor extension and two dormers - approved

1998/91993 - erection of ground floor extension - approved

2003/92081 - erection of ground floor extension and dormer - approved

2006/90576 - erection of first floor extension and detached garage – refused

2020/90140 – enlargement of front and rear dormers – refused

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. The agent was advised that the submission is not in line with the advice given at the pre application stage and amended plans have been provided. As the alteration reduced the development, the amended plans have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 04/03/2025.

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 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

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. 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 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 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.

It is acknowledged that the existing dormers are unauthorised and have been previously refused, and that a prior application for a two-storey rear extension was also refused. The proposal would result in an alteration to the rear dormer. The dormers are now immune from Enforcement action due to the passage of time. However, the current proposal represents a significant improvement in design and scale, addressing previous concerns and demonstrating a more sensitive approach to development. The current proposals shall be fully assessed as follows.

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 on to 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 proposed development is considered acceptable in terms of visual amenity, owing to the revised design which now includes a 2.9-metre inset from the boundary. This amendment significantly reduces the perceived scale, bulk, and massing of the extension, resulting in a more proportionate and visually integrated addition to the host dwelling. While the materials—brick for the walls and tiles for the roof—are consistent with those of the existing property, their use further enhances the cohesion and sympathetic appearance of the extension. The revised form, with its reduced massing and improved articulation ensures the extension does not appear incongruous. As such, the proposal is now considered to preserve the character and appearance of both the host property and the wider area.

It is acknowledged that the existing dormers are unauthorised and have been previously refused, and that a prior application for a two-storey rear extension was also refused. However, the current proposal represents a significant improvement in design and scale, addressing previous concerns and demonstrating a more sensitive approach to development.

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 neighbours directly to the rear which could be affected by the works proposed.

Impact on 23 Manor Farm Drive

The proposed first floor rear extension is not considered to result in any significant harm to the residential amenity of the adjacent property located to the south. Given the orientation, the extension would not result in overshadowing. Furthermore, the separation distance of approximately 5.7 metres between the extension and the boundary with the neighbouring

dwelling is sufficient to minimise any potential for an overbearing impact. The proposed windows would face into the applicant's own rear garden, with limited potential for overlooking into the adjacent property's private amenity space. As such, the proposal is considered acceptable in terms of its impact on residential amenity.

With regards to the impact on the adjacent 23 Manor Farm Drive, 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.

Impact on 27 Manor Farm Drive

The proposed first floor rear extension would not result in a detrimental impact on the residential amenity of the adjoining property to the north. The amended plans, which set the extension back 2.9 metres from the shared boundary, provide a sufficient degree of separation to minimise any potential impact. Due to this revised positioning and the overall scale of the extension, it is not considered to result in unacceptable levels of overshadowing to the neighbouring first floor window. Furthermore, the proposal respects the 45-degree guidance outlined in paragraph 4.17 of the Kirklees House Extensions and Alterations SPD, thereby maintaining adequate access to natural light for the adjoining property. The extension would not appear overbearing when viewed from the neighbouring dwelling, and its design ensures that residential amenity is preserved. While the proposed windows face into the applicant's own garden, avoiding any direct overlooking, the careful consideration of scale and siting ensures that the physical presence of the extension does not result in undue harm.

With regards to the impact on the adjoining 27 Manor Farm Drive, 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.

Impact on the applicant.

The extension would be close to the window in the section of rear dormer which would be retained. However, the floor plans show this would serve a bathroom, which is not a habitable room. Therefore there would be limited potential for an overbearing or overshadowing impact to occur.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design

Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use as the increased floor area would enlarge and rearrange the existing three bedrooms. As such the existing parking area to the front of the property 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:

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 received

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a first floor extension to the rear of 25 Manor Farm Drive 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 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: 2025/90078

Officer Recommendation: Approve

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.

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing plans	S01a	1072813	21/01/2025
Proposed plans	S02d	1094744	07/07/2025
Work specs	S03a	1072819	21/01/2025
Design & access statement	-	1072818	21/01/2025
Climate change statement	-	1072817	21/01/2025

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 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.

The agent was advised that the submission is not in line with the advice given at the pre application stage and amended plans have been provided. As the alteration reduced the scale of the development, the amended plans have not been advertised.

Report Dated