

**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:	2025/62/90268/E
Site Address:	8, St Paul's Avenue, Birkenshaw, BD11 2JZ
Description:	Demolition of existing conservatory and erection of single storey side and rear extensions with associated works
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 01-Apr-2025

OFFICER REPORT

Site Description

8, St Paul's Avenue, Birkenshaw, BD11 2JZ is a single storey, semi-detached dwelling which occupies a corner plot within a cul-de-sac. The dwelling has a private rear garden, its own driveway and has previously been extended via conservatory to its rear elevation. The site is enclosed by a 1.8m fence.

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 single storey side and rear extension.

The proposal would replace the existing conservatory on site, extend 4.3m beyond the rear elevation of the host dwelling, 3.4m beyond the side elevation of the dwelling and a flat roof height of 2.8m.

Relevant Planning History

N/A

Representations

The application was initially advertised by a site notice, which expired on 28/03/2025

No comments received

Consultation Responses

N/A

Negotiations

N/A

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 a 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 they should not:

- not extend more than two thirds of the width of the original house
- not exceed a height of 4 metres.
- be set back at least 500mm from the original building line to allow for a visual break.

Section 5.1 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 existing dwelling has previously been extended and this application seeks to replace part of this development with a larger single storey extension. The scale and mass already on site has established the principle of a large extension that already projects significantly into the site. This is afforded weight in the consideration of the development proposed.

It is considered that, although the proposal would project beyond the side elevation of the host dwelling, it would be of limited prominence from the public realm, would be set away from shared boundaries with adjoining neighbours and would be set significantly back from the principal elevation of the dwelling. Whilst forming an L shape into the site it is not considered to have a significantly greater impact visually than the existing arrangement on the site. The scale and design would not compete with the host. Whilst the flat roof appears at odds with the character of the host, due to its scale and positioning within the site and area it is considered, on balance, acceptable.

The materials are specified to match the host with the flat roof unspecified. As the roof will not be visible there are no concerns regarding the material of its construction. The walls should be faced in brick to match and this is imposed as a condition to meet the aims of Policy LP24 of the Kirklees Local Plan.

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.

It is considered that, due to the scale of the proposal and its location within the plot there would not be any properties impacted by the proposal. Due to the positioning and relationship within the plot there would be no loss of privacy as a result of the development.

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:

Parking arrangements on site would be retained.

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 the proposed materials were changed to integrate with the host dwelling. No response was received so officers included a condition on the application, and it was progressed.

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: 2025/90268

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. The development shall be constructed using external facing materials to match the original host dwelling and thereafter be retained.
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 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date
Location Plan			31/01/2025
Proposed plans	D005	A	31/01/2025
Proposed floor plans	D004		31/01/2025
Existing Elevations	D003		31/01/2025
Existing Floor Plans	D002		31/01/2025
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.

No revisions required