

**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:	2025/62/90573/E
Site Address:	24, West Park Road, Healey, Batley, WF17 7EL
Description:	Erection of two storey side 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.

Emma Thompson

AUTHORISED OFFICER

Date: 29-Apr-2025

OFFICER REPORT

Site Description

24 West Park Road is a two storey semi-detached dwelling in Healey, Batley. It is constructed from brick for the external walls and concrete tiles for the roof. The dwelling is set back from the access road with an area of hardstanding to the front which is used for parking and amenity space to the rear. There is an outbuilding that straddles the boundary between the application dwelling and 26 West Park Road.

The surrounding area is predominantly residential in nature. Whilst West Park Road comprises a number of semi-detached dwellings which are of a similar appearance to the application site, the properties within the wider area vary in terms of their materials of construction, character and design.

Description of Proposal

The applicant is seeking permission for a two storey side extension.

The extension would project 2.9m from the side elevation of the dwelling, set back 0.3m from the front elevations and extending the full depth of the dwelling. The roof would be a pitch, set down from the main roof. The plans indicate the ground floor would be a car port.

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

Relevant Planning History

2021/92821- erection of two storey side and single & two storey rear extensions – approved although not implemented – it is noted that an outbuilding and a single storey rear extension have been constructed since the previous site visit. However, the rear extension has not been constructed of brick nor is it of the same design or projection as the previously approved plans, As such there is no implementation of this approved scheme.

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The submitted plans do not comply with the SPD as there is insufficient set back from the front of the dwelling and there would be no gap to the side. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 05/04/2025

As a result of the above publicity, two representations have been received. The material planning matter raised are summarised as follows:

- The side extension would cause a terracing effect.
- The garage will look out of place

The representations also mention the retrospective nature of the single storey rear extension and the detached outbuilding.

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 noted that approval was granted in 2021 for a single storey front extension, two storey side extension and a single and two storey rear extension. The previous approval has now lapsed without commencement. It is noted that there is a single storey rear on site now. However, this has not been constructed using matching materials nor is the projection or design similar to the approved scheme. The current proposals are seeking consent only for the side extension and in the interim, they have constructed a single storey rear extension and an outbuilding at the rear. The current proposals shall be considered in terms of current, local and national planning policies.

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 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The set back proposed is minimal and does not meet the required 0.5m, nor is the extension set in from the boundary as set out in paragraph 5.20 of the House Extensions & Alterations SPD. It is noted that a previous application was approved in 2021, after the adoption of the SPD. However, that permission has now lapsed. Furthermore, since the previous approval, the NPPF has been updated and there have been a number of appeal decisions which reinforce the importance of design and the space between buildings in terms of street scene and these are material to the planning decision. This recommendation is consistent with recent appeal decisions.

The extension proposed would erode the sense of space between the dwellings and result in the formation of a terracing effect. The character of the street has been maintained with space between properties which make a positive contribution to visual amenity retained. Development that reduces the gap can cause a negative impact and should be avoided.

It is noted that the materials proposed would match the main house. However, the lack of sufficient set back together with the width up to the boundary is such that the side extension is not considered to be acceptable in terms of visual amenity.

The development proposals would result in harm to the visual amenity of the host dwelling and character of the area, contrary to 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 to the rear which could be affected by the works proposed.

Impact on 22 West Park Road

The extension would be constructed on the opposite side of the host property to the adjoining dwelling. The new windows in the rear elevation would be at the same level as the main house and as they are on the opposite side of the house to the adjoining neighbour, would have no potential to overlook.

With regards to the impact on the adjoining 22 West Park 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, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 26 West Park Road

The side extension would be located to the side elevation of the property. Whilst in this case, the extension would extend up to the boundary shared with the neighbouring property, which benefits from openings to its side elevation which include a small window and door at ground floor level and window at first floor level, these are not thought to serve habitable rooms. As such, in this particular case, the location of the extension up to the boundary is considered acceptable from a residential amenity perspective and would not cause an overbearing or overshadowing impact which would be detrimental to the amenity of the occupiers. There are no openings proposed in the side elevation and the windows in the rear elevation would be at the same level as the existing first floor windows with no significant increase in potential for overlooking. It is noted that future first floor level openings in the side elevation would be restricted by the limitations of the General Permitted Development Order.

With regards to the impact on the adjacent 26 West Park 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, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

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 Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. The property currently benefits from an area of hardstanding to its front elevation which can accommodate three vehicles 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:

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:

Two representations have been received. The material planning matter raised are summarised as follows:

- The side extension would cause a terracing effect – **Response:** *this concern relates to visual amenity and the impact of the side extension on the street scene has been considered under the relevant section of this report.*
- Inclusion of the garage – **Response:** The side extension incorporates a car port which is not characteristic in the street scene. Notwithstanding the concerns regarding the scale of the extension and filling the gap, the car port would not be so obtrusive to justify refusal.

The representations also mention the retrospective nature of the single storey rear extension and the detached outbuilding, which are not material to this planning application. Whilst the outbuilding is likely to be permitted development, the rear extension has not been constructed using matching materials and therefore would not meet the criteria for permitted development in terms of condition A.3. The Compliance Team have been made aware.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a two storey extension to the side of 24 West Park 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 side extension, by reason of its design, width and spatial relationship with the boundary, would form an extension which would diminish the existing space between the properties to form an incongruous feature. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within 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: 2025/90573

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed two storey side extension, by reason of its design, width and position, would take up all of the space to the side of the house and fail to maintain a 1.0m gap to the side boundary. As such it would close the gap between semi-detached houses and erode the sense of space between houses forming an incongruous feature to the detriment of the character and street scene. To permit the proposals would not promote good design and is contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 and design guidance given in sections 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions and Alterations Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & site plan	-	1079548	04/03/2025
Existing & proposed plans	-	1079545	04/03/2025
Climate change statement	-	1079547	04/03/2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The submitted plans do not comply with the SPD as there is insufficient set back from the front of the dwelling and there would be no gap to the side. Amended plans have not been sought.

Report Dated

28/04/2025

