

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:	2025/62/90613/E
Site Address:	42, Station Lane, Birkenshaw, BD11 2JE
Description:	Erection of single and two storey rear and first floor side extension over existing garage
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: 12-May-2025

OFFICER REPORT

Site Description

The application property is a large, two storey detached dwelling which is situated on the southern side of Station Lane, 30m from the junction with Old Lane. Dwellings in the street scene are set back from the public realm due to having considerable amenity space to the front and follow a reasonably consistent building line.

Although not uniform in appearance, the dwellings in the immediate vicinity are constructed from stone, are well spaced in their plots and contribute to the spacious character of the area.

The site is not within a Conservation Area and has not had its permitted development rights removed; however, it is within an area with a known presence of bats and an area identified by the Mining Remediation Authority as being at higher risk of ground movement as a result of former mining activity.

Description of Proposal

The application has been received for the erection of single and two storey rear and first floor side extension over existing garage.

Rear extension:

The rear extension would extend 4.8m beyond the rear elevation of the host dwelling and would extend the width the width of the dwelling.

The rear extension would feature a first floor centrally sited within the rear elevation and would have a width of 7.8m, be set in 4.4m from the northern elevation and 6.9mm from the southern elevation. This would feature a rear facing gable end with a maximum and eaves height matching the host dwelling.

First floor side extension:

The site currently benefits from a single storey side projection which is currently used as a double garage.

This would extend approximately 7.1m beyond the side elevation of the dwelling.

From the plans provided it appears the proposed first floor addition would incorporate a gable roof set below the topmost part of the roof of the existing dwelling.

The proposed materials have been outlined to match the host dwelling.

Relevant Planning History

n/a

History of Negotiations

No alterations were requested during the course of the application.

Representations

The application was advertised by site and press notice which expired on 20.04.2025.

No representations have been received as a result of site publicity.

Consultation Responses

A Kirklees Council Highways Officer was informally consulted on the application.

Existing parking arrangements would be retained, and the proposal would not represent a significant intensification

Therefore, the KC Highways Officer would not object to the proposal.

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. 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
- **LP2** – 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 2023, 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 15- Conserving and enhancing the historic environment

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) Conditions
- 7) Conclusion

1) Principle of development

The site is without notation of 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 the 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.

There is a Listed Building immediately across from the site; however, due to the location of the extension there will be no harm to the building nor its setting. As such, the principle of development is considered acceptable, and the proposal shall now be assessed against all other 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

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes on to state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

First floor side extension

Section 5.3, paragraph 5.22 of the House Extensions and Alterations SPD refers to two storey and first floor side extensions and states that:

- Extensions should be visually smaller than the existing house
- Be set down and back from the host dwelling by 50cm
- Have a roof design that follows the existing roof
- Retain a spacing of 1m from shared boundaries

It is considered by officers that the width of the first floor side extension is somewhat pre-determined by the width of the ground floor extensions. Which, although large in scale, would be in-keeping with the host dwelling. The proposed extension would be set back from the host dwelling which would aid its integration with the host property and balance existing projections on site. The materials would match the existing dwelling and would therefore be considered acceptable. Furthermore, due to the spacious plot, an extension of a larger scale can be accommodated without impacting on visual amenity.

Rear Extension

The submitted plans demonstrate a part two storey, part single storey rear extension.

Section 5.1 of the House Extensions and Alterations SPD refers to rear extensions and is split into single storey and two storey extensions.

For single storey extensions, the SPD states that they should:

- Be in keeping with the scale and style of the original house

- Not 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; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

And for two storey extensions it states that:

- Be proportionate to the size of the original house and garden
- Not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)
- Not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre.
- Not adversely affect habitable room windows where they adjoin a neighbour's boundary.

Paragraph 5.11 of the HEASPD furthers these comments and specifies that part two storey, part single storey rear extensions should consider neighbouring residents.

The rear extension would project 80cm larger than the dimensions stipulated within the SPD; however, officers consider that the property benefits from ample amenity space and in the context of the site, the additional depth would be marginal in this instance.

The rear alterations would not be largely prominent from the street scene as the two storey projection would be centralised to the rear of the dwelling.

It is considered that the existing property is well spaced within its plot and could accommodate an extension of this scale whilst respecting the character of the host property and wider locality

Having taken the above into account, the proposed development 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.

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 proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principal of overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

60 Station Lane: Separated from the application property by a driveway serving 44-50 Station Lane.

Overlooking: The proposal would feature side facing windows; however, these are within the existing dwelling and therefore no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: Due to the separation distance between the properties, it is not anticipated that the development would lead to significant issues resulting from overshadowing/loss of light or overbearing.

40 Station Lane: Located approximately 6m to the south west.

Overlooking: The proposal would not feature any side facing windows, as such no overlooking is anticipated to be created as a result of the development proposal to this property.

Overshadowing/loss of light/overbearing: Whilst the proposal would retain existing separation distances between the dwellings, there would be a creation of additional bulk and massing to the rear and also at the first floor (side) which is in close proximity to no.40. It is noted there is a window in the side of no.40 which faces the site. However, officers consider that there would still be a reasonable separation distance retained between the dwellings and as the host dwelling would be located to the north of no.40, limited harm would be created.

44 Station Lane: There is currently 29m between the rear of the application property and the side of no.44. Therefore, given this distance will not be affected, no significant issues regarding residential amenity for the occupiers of no.44 are anticipated.

4) Impact on highway safety

The proposal has been reviewed with KC Highways and it is considered that no significant issues would arise and the proposal would comply with Policy LP21 and 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 a small-scale 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.

6) Representations

No representations have been received as a result of site publicity.

7) Proposed conditions

Standard time scale

In accordance with the approved plans

Matching materials

9) 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: 2025/90567

Officer Recommendation: Approve

Conditions 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 with all external facing materials matching the original host dwelling.

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	Date Received
Location Plan		17.03.2025
Proposed Site Plan	42SL-006	17.03.2025
Existing Elevations	42SL-002	17.03.2025
Existing and Proposed Floor Plans	42SL-001	17.03.2025
Proposed Elevations	42SL-003	17.03.2025
Proposed Roof Plans	42SL-004	17.03.2025

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.

No alterations have been sought as none were considered necessary.