

**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:	2025/62/90765/E
Site Address:	24, Pollard Avenue, Gomersal, Cleckheaton, BD19 4PP
Description:	Erection of single storey rear and side extension
Recommending Officer:	Edward Cheseldine

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.

John Holmes

AUTHORISED OFFICER

Date: 15-May-2025

Officer Report

2025/90765 - 24, Pollard Avenue, Gomersal, Cleckheaton, BD19 4PP

Site Description

24 Pollard Avenue is a two-storey, semi-detached dwelling in Gomersal. It is constructed with part brick, part render exterior walls and a pitched roof clad in concrete roof tiles. The property is set within a rectangular plot, containing a modest rear and front garden space. A side driveway leads to a single garage to the rear of the plot.

Pollard Avenue is a residential area, comprising of two-storey, semi-detached properties and bungalows. These dwelling are similar in appearance due to their age and materials.

Application Description

The applicant is seeking permission for the erection of a rear and side extension. The extension will project 4.60m from the existing rear elevation, to a width of 8.10m with a roof height of 3.40m. The extension will be constructed with brown coursed brickwork to match the existing dwelling and will feature a flat roof. It will feature rear facing windows.

As part of the application, the single garage and conservatory will be demolished.

Amendments and Negotiations

The Kirklees House Extensions & Alterations Supplementary Planning Document, paragraph 1.11 states designs should comply with the guidance set out within the document, or submit a justification in support of the development.

In light of this, it was communicated to the applicant that the extension did not accord with the parameters set out in the Kirklees House Extensions & Alterations Supplementary Planning Document, on 31/03/2025. The applicant submitted a justification for development, including the following on 15/04/2025:

- Flat roof- A flat roof to minimise height and bulk, and there are similar examples locally
- 71% increase in floor area – removal of existing garage, a good amount of outdoor space will remain, the scale will create a functional living

space and maintain a satisfactory relationship with the neighbouring properties

- 4.6m projection – additional projection will not impact on neighbouring light or outlook.
- Eaves height - the flat roof helps keep the overall scale down
- Boundary gap – a 1.0m gap to the side has been maintained.

Additional comments were made by the applicant on 25/04/2025.

- Within Pollard Avenue I counted 14 flat roofed extensions (both rear and side) in the building group. No.4 has a generous flat roof extension.

In response Officers requested an outlook plan demonstrating a 45oC of outlook would be maintained for the inhabitants of No. 22 Pollard Avenue, on 25/04/2025.

Amended plans were not received. The application will be assessed on the basis on the submitted plans and justifications for development. Given the communication between Officers and the applicant, it is therefore deemed suitable that, in this case, it is a reasonable approach for the LPA to determine the application as submitted.

Public Representation

The application was advertised by way of a site notice, which expired on the 07 May 2025. As a result of the publicity, there were no representations.

Relevant Planning History

The Kirklees House Extensions & Alterations Supplementary Planning Document was published on June 2021. In line with the justification received a desk-based assessment took place of other rear extensions since its publication.

A desk-based assessment conducted by Officers has concluded there are no other single-storey rear extensions on semi-detached properties in the area that have been approved prior to the publishing of the Kirklees House Extensions & Alterations Supplementary Planning Document.

It noted, as the applicant has pointed out, there are a number of flat roof extensions in the area. This is taken into account in the assessment of this application.

Consultations

None required.

Policy & Legislation

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
- **LP21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

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
- Chapter 15 – Conserving and enhancing the natural environment

Other Material Considerations:

- Kirklees House Extensions & Alterations Supplementary Planning Document (2021)
- Kirklees Highways Design Guide SPD (2019)

Assessment

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Matters
- 5) Conclusion

Principle of Development:

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 chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

Impact on Visual Amenity:

The National Planning Policy Framework sets out to achieve a high level of design. Paragraph 131 outlines this ethos, ‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’

Paragraph 133 continues this theme by indicating that 'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.' Kirklees Planning Authority have published relative guidance within their House Extensions & Alterations Supplementary Planning Document (2021), it expands Policy LP24 (design) of the Kirklees Local Plan. Within which, criterion a) & c) are relevant.

a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

Paragraph 5.6 of the House Extension & Alterations Supplementary Planning Document relates to the design of single-storey, rear extensions:

- 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; and
- Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The rear extensions footprint will be 37m², set against a property of 54m². The proposed extension has a maximum height of 3.40m. It spreads across the full width of the building with a minimal separation distance from the adjoining property. Part of the extension would project over the edge of the elevation, therefore being visible from the Pollard Avenue. Whilst this element will be visible, it will be set back behind the dwelling. The extension will appear large, however given its simple form it is considered to be acceptable from a visual amenity point of view particularly as materials are to match the existing.

This conclusion is drawn having regard to the matters raised in justification of the development. The applicant has stated 14 flat roofed extensions, rear and side, can be found within the building group. A desk-based assessment has

been conducted by officers. Properties that include rear flat roof extensions can be found at the following addresses.

- 4, 5, 7, 12, 13, 15, 17 Pollard Avenue.

In terms of these, given the presence of the flat roof shapes within the area, consideration has been given to the extension's appearance. Its flat roof form is therefore concluded to be acceptable in this instance.

Overall it is considered that, weighing up the justifications put forward as part of the application and existing built form in the locality, in this case the visual impact of the development would not have a significant impact and refusal on grounds of visual amenity could not be substantiated.

Whilst the form and scale of the extension is acceptable in complying with the House Extension & Alterations Supplementary Planning Document LP24 a&c, the assessment is from a visual amenity aspect. An assessment as to the impact the extension will have on residential amenity is set out below.

Impact on Residential Amenity

Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Section B and C of LP24 states that alterations to existing buildings should: "...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

The House Extensions and Alterations Supplementary Planning Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.
- Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*'

- Key Design Principle 5: '*extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.*'
- Key Design Principle 6: '*extensions and alterations should not unduly reduce the outlook from a neighbouring property.*'

Impact on 22 Pollard Avenue

22 Pollard Avenue is the adjoining, two-storey dwelling. In terms of privacy, there will be new ground floor windows on the rear extension. Currently there is a tall wooden fence that leads into hedging that serves as a boundary treatment. The boundary treatment will be sufficient in screening views from the new windows, retaining privacy within the garden space. Whilst it is noted, the shrubbery can be trimmed back, fencing can be erected if it is deemed necessary.

In terms of a loss of light, outlook or an overbearing impact, the rear extension will be erected along the boundary with a 0.20 side space remaining. Plans indicate this will be 4.60m along the boundary, at a height of 3.30m. The nearest habitable window at 22 Pollard Avenue is 1.20m away, which serves a dining room. The relationship is close.

Paragraph 4.13 of the House Extensions and Alterations Supplementary Planning Document Both states, 'light and outlook can be of greater importance for some rooms than others. Limited weight will be given to protecting light and outlook from non-habitable rooms. Greater weight and protection will be afforded to rooms that most people spend much of the day in, known as habitable rooms'. A dining room is identified as a habitable room within the document.

Due to the projection, proximity to the adjoining property and height of the extension, the proposal would result in a reduced outlook and a loss of light to the inhabitants of 22 Pollard Avenue. To overcome this, Officers requested an 45oC outlook line was drawn on plans and submitted, as per figure 9 of the House Extensions and Alterations Supplementary Planning Document. An annotated plan was however not received.

Given the close proximity, height and projection of the rear extension, it is considered that the extension will materially affect the amount of light observed in this room, and form an oppressive / overbearing feature which has a harmful impact upon the outlook from the neighbouring occupiers. The Council's adopted House Extensions and Alterations Supplementary Planning Document sets out that a 45° line when taken from the Centre of the Cill should not be cut.

Although no specific drawings have been provided in this regard, it is clear this line would be cut, the extensions bulk and proximity to the window is considered to be significant in this case resulting in a detrimental impact within a habitable room.

Therefore, the single storey rear extension, by virtue of its close proximity to the adjoining dwelling, height, and projection would lead to an unacceptable loss of light and form an oppressive and overbearing structure having a harmful impact upon the residential amenity of neighbouring occupants of no.22 by reason of loss of outlook, light and overshadowing contrary to key design principles 4, 5 and 6 of the Kirklees House Extensions & Alterations Supplementary Planning Document Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Impact on 29-35 Pollard Way

These properties are situated to the north of the application site. They are set perpendicular to the application dwelling, with gardens running along the northern boundary of the site.

In terms of privacy, there will be no additional side facing windows.

In terms of a loss of light, outlook or an overbearing impact, plans indicate a 0.80m space to the side of the property will remain. The area nearest the extension is private residential space, it is set away from the properties in the building row. Due to this, it is not considered there will be a loss of outlook, light or an overbearing impact.

Due to distance and positioning, there are no other properties to consider.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network. Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The number of bedrooms within the dwelling will remain as previous, there will be no additional bedrooms due to the extension. The extension will fall over a section of the driveway. It will still accommodate 2 vehicles. Therefore, the impact to parking and highway safety is concluded to be acceptable.

Environmental Matters

Ecology

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

It is noted that according to the Council's GIS mapping system, the site is located within an area known to include bats.

The development is for a single-storey extension to be installed on the rear of the property. As the proposed works are single storey and include no work to the main roof, then it is considered unlikely that bats will be affected.

Notwithstanding this conclusion, it is considered appropriate to include an informative note upon any grant of permission which advises the applicant to proceed with caution and cease works should bats be discovered and how to proceed following discovery.

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.

Conclusion

The application for the erection of a rear extension at 24 Pollard Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, Kirklees Local Plan, the National Planning Policy Framework and other material considerations.

Given the harm the proposal will cause to the amenity of the occupants of 22 Pollard Avenue due to a loss of light and outlook the application is recommended to be refused. It is not considered the justifications provided by the applicant overcome the concerns laid out within the report.

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 not constitute sustainable and is therefore recommended for refusal.

Recommendation
Reason(s) for Refusal

Refusal

1. The single storey rear extension, by virtue of its close proximity to the adjoining dwelling, height, and projection would lead to an unacceptable loss of light and form an oppressive and overbearing structure having a harmful impact upon the residential amenity of the neighbouring occupants of the adjoining property by reason of loss of outlook, light and overshadowing contrary to key design principles 4, 5 and 6 of the Kirklees House Extensions & Alterations Supplementary Planning Document Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	(00) 000	-	20 March 2025
Existing site plan	(00) 001	-	20 March 2025
Proposed site plan	(PL) 001	-	20 March 2025
Existing floor plan and elevations	(00) 002	-	20 March 2025
Proposed floor plan	(PL) 002	-	20 March 2025
Proposed elevations	(PL) 003	-	20 March 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 has, 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 Kirklees House Extensions & Alterations Supplementary Planning Document, paragraph 1.11 states designs should comply with the guidance set out within the document, or submit a justification in support of the development.

In light of this, it was communicated to the applicant that the extension did not accord with the parameters set out in the Kirklees House Extensions & Alterations Supplementary Planning Document on 31/03/2025. The applicant submitted a justification for development which the application was assessed against.