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:	**2025/62/90896/E**
Site Address:	56, Shirley Avenue, Gomersal, Cleckheaton, BD19 4NA
Description:	Erection of two storey side extension
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-Jun-2025

Officer Report
Reference No. 2025/62/90896/E
Site Address: 56, Shirley Avenue, Gomersal, Cleckheaton, BD19 4NA
Proposal: Erection of two storey side extension

Site Description
The application relates to 56 Shirley Avenue, a two-storey detached property situated in Gomersal, Cleckheaton. The dwelling is constructed in brick and incorporates a dual-pitched roof finished in slate. The neighbouring properties are of residential use and comprise two-storey dwellings of similar materials and architectural styles. The site is not within a conservation area, nor are there any Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal
The proposal is for the erection of a two storey side extension to the original dwellinghouse. The proposed two storey extension would be built in line with the common boundary and would project approx. 3.6m at the front and 2.7m at the rear. The extension would have an overall height of approx. 7.4m and an eaves height of approx. 5.35m. The enlargement would be constructed in a material palette to match the original build.

History of negotiations / amendments received
No amendments were sought or received during the course of the application.

Relevant Planning History
- **93/00754:** Erection of 23 dwellings and garages (substitution of house types). Planning application details | Kirklees Council – Conditional Full Permission
- **90/05287:** Erection of 50 dwellings. Planning application details | Kirklees Council – Conditional Full Permission
- **89/01617:** Housing development (60 houses). Planning application details | Kirklees Council – Granted Conditionally

Representations
The application was publicised by site notice, which expired on 26th May 2025. As a result of the above publicity, no representations have been received.

Consultation Responses
Not Applicable.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality

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.

In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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, 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 2** - Achieving Sustainable Development
- **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

Assessment

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 on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (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 SPD goes onto 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.

Two Storey Side Extension

The proposed two storey extension would be built in line with the common boundary and would project approx. 3.6m at the front and 2.7m at the rear. The enlargement would be constructed from brick and would incorporate a dual-pitched roof finished in slate to match the appearance of the host property. Whilst the extension would be flush with the principal elevation, it would feature a lower ridge line which would enhance its subservience to the original build. Whilst it is noted that the enlargement would alter the scale and form of the dwelling, it would not represent an incongruous or unduly prominent feature given the dwelling's siting within the cul-de-sac and would not give rise to any terracing effect. On this basis, it is considered that the proposal would not have any significant visual impact on the character and appearance of the host property and wider street scene.

Summary

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, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

<u>Impact on 75 Shirley Avenue</u>

75 Shirley Avenue is a two-storey detached property located north of the application site. The submitted plans confirm that the proposed two storey side extension would occupy a position approximately 11.8m from the common boundary shared with no.75. Given that the separation distance retained would generally accord with 12m recommended within the Kirklees House Extensions and Alterations SPD, it is considered that the proposal would not cause any undue harm to the neighbouring occupants with regard to overbearing, overshadowing or overlooking.

<u>Impact on 14 Thoresby Drive</u>

14 Thoresby Drive is a residential property located south-west of the application site. It is noted that the proposed two storey side extension would occupy a position approximately 38.8m from the rear elevation of no.14. Given that the separation distance retained would be substantial, it is considered that the proposal would not cause any undue harm to the neighbouring occupants with regard to overbearing, overshadowing or overlooking.

<u>Impact on 54 Shirley Avenue</u>

54 Shirley Avenue is a two-storey detached property located west of the application site. It is considered that the neighbouring occupants at no.54 would not experience any further harm to their residential amenity as a result of the proposal given that the proposed two storey side extension would be located at the opposite side of the property and would not surpass the front and rear elevation of the host dwelling.

<u>Impact on 16 Oxford Drive</u>

16 Oxford Drive is a residential property located east of the application site. The submitted plans demonstrate that the proposed two storey side extension would occupy an average position approximately 8m from the original part of the rear elevation of no.16 and would fail to accord with the 12m separation distance recommended within the Kirklees House Extensions and Alterations SPD. Due to the height and proximity of the enlargement, it is considered that the proposed two storey side extension would result in an oppressive, overbearing and overshadowing form of development. As such, the harm caused to this neighbour would be significant and cannot be supported in terms of residential amenity.

Summary

Having considered the above factors, the development proposed would result in an overbearing and overshadowing impact upon the residential amenity of the neighbouring occupants at 16 Oxford Drive, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 5 & 6 of the House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. 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 relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Conclusion

This application for the erection of a two storey side extension at 56 Shirley Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and 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. 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: 2025/90896
Officer Recommendation: Refuse
Reason for Refusal

1. By virtue of its height and close proximity, the proposed two storey side extension would result in an unacceptable overbearing and overshadowing impact on the occupiers of 16 Oxford Drive to the detriment of the residential amenity. The development is therefore contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 5 & 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	PP-13904694v1	-	10/04/2025
Existing Ground Floor Plan	01	00	10/04/2025
Existing Second Floor Plan	02	00	10/04/2025
Existing Elevations	03	00	10/04/2025
Proposed Ground Floor Plan	04	00	10/04/2025
Proposed Second Floor Plan	05	00	10/04/2025
Proposed Elevations	06	00	10/04/2025
Existing and Proposed Sections	07	00	10/04/2025
Existing Roof Plan	08	00	10/04/2025
Proposed Roof Plan	09	00	10/04/2025
Existing Site Block Plan	10	00	10/04/2025
Proposed Site Block Plan	11	00	10/04/2025
Existing Location Plan	12	00	10/04/2025
Proposed Location Plan	13	00	10/04/2025
Climate Change Statement	-	-	10/04/2025

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. In this instance, the alterations required would be beyond the scope of the application. As such, no amendments were sought thereafter.

Report Dated: 05/06/2025