

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:	2025/62/90973/E
Site Address:	6, Kingsley Avenue, Birkenshaw, BD11 2NQ
Description:	Demolition of existing conservatory and erection of two storey side extension, single storey rear extension and external alterations
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: 02-Jun-2025

OFFICER REPORT

Site Description

6, Kingsley Avenue, Birkenshaw, BD11 2NQ is a two storey detached dwelling which benefits from its own driveway and private rear garden.

The properties within the vicinity are not uniform in appearance as they are a mix of semi-detached and detached dwellings. Properties in the street scene are largely red brick; however, there are examples of render within the street scene.

Description of Proposal

This application is for the demolition of existing conservatory and erection of two storey side extension, single storey rear extension and external alterations. The two storey side extension would project 3.7m beyond the side elevation of the dwelling and have a depth of 6.5m with a maximum height of 6.7m.

The proposed single storey rear extension would project 4m beyond the rear of the host dwelling, have a width of 7.7m with a maximum height of 4.1m.

The proposal would also include the application of render to the host dwelling and addition of stone.

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 notice which expired on 24.05.2025.

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

Consultation Responses

No formal consultations deemed necessary.

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 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 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.

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.

The proposal would be visible from the street scene as it would relate to the side elevation and have additional external alterations.

Section 5.3 of the house extensions and alterations SPD refers to side extensions and states that these extensions will only be permitted where:

- Not take up all or most of the space to the side of a house.
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property.
- Be set back at least 500mm from the front wall of the house.

Officers consider that the proposal would be flush with the existing dwelling; however, there is an existing projecting cat slide roof on the front of the dwelling which would result in the proposal appearing largely as a continuation of the host dwelling and prevent it from appearing overly prominent in the street scene.

The proposal would retain the 1m set away from the shared boundary required by the SPD and therefore would not significantly impact spacing in the street scene.

The proposal would amend the materials to stone and render from red brick, officers consider that as there are examples of render in the vicinity and as the properties that form the street scene are not uniform, the alterations to the dwelling would be acceptable in this instance.

The proposal would also include a single storey rear extension. Section 5.1 of the HEASPD refers to single storey rear extensions and states that:

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

Officers consider that the proposal would extend 4m beyond the rear elevation of the dwelling and would retain a 1m separation distance from adjoining boundaries. It is considered that the proposal would be of an appropriate design and scale for the host dwelling.

It is considered that the proposal would increase the footprint of the dwelling via the side and rear extension; however, as the proposal would retain its set back from the street scene, retain adequate spacing with neighbouring properties and retain a reasonable amount of amenity space to the rear, officers consider that the resultant dwelling would not appear overly crowded within its plot or the street scene.

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.

8 Kingsley Avenue: adjoins the application site to the east.

Overlooking: The proposal would not feature any side facing windows. The proposal would introduce rear facing windows at first floor level to serve the extension; however, it is considered that rear facing windows are a usual relationship between properties and would not be overly dissimilar to the existing relationship between the properties.

Overshadowing/loss of light/overbearing: No.8 has two side facing windows which feature obscured glazing, the first floor extension would not project beyond the rear of the host dwelling and the single storey rear extension would be set off of the shared boundary. Therefore, no significant issues would be raised regarding Overshadowing/loss of light/overbearing.

4 Kingsley Avenue: adjoins the application property to the west.

Overlooking: The proposal would feature side facing windows however these would feature obscured glazing. The proposal would introduce rear facing windows at first floor level to serve the extension; however, it is considered that rear facing windows are a usual relationship between properties and would not be overly dissimilar to the existing relationship between the properties.

Overshadowing/loss of light/overbearing: The proposed two storey extension would be screened by the host dwelling and the single storey extension would be set off of the shared boundary. Therefore, no significant issues would be raised regarding Overshadowing/loss of light/overbearing.

4) Impact on highway safety

The proposal would remove an existing garage on site; however, two parking spaces would be retained on site via the driveway which would be appropriate for the three bedrooms demonstrated on the plans. The plans also show an office space which could hypothetically be converted to a bedroom which would result in the requirement of an additional parking space to be required; should a third parking space be required at a later date, the site has ample amenity space to create an additional parking space without removing all of the garden to the front of the dwelling.

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.

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 because of site publicity.

7) Proposed conditions

Standard time scale

In accordance with the approved plans

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:** 2025/62/90973/E**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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			7.04.2025
Proposed site plan	02		7.04.2025
Existing site plan	01		7.04.2025
Proposed roof plan	08		7.04.2025
Proposed rear elevation	15		7.04.2025
Proposed elevations 4 of 4	16		7.04.2025
Proposed elevations 1 of 1	13		7.04.2025
Proposed elevations 2 of 4	14		7.04.2025
Existing elevation 4 of 4	12		7.04.2025
Existing elevation 3 of 4	11		7.04.2025
Existing elevations 2 of 4	10		7.04.2025
Existing elevations 1 of 4	09		7.04.2025
Proposed roof plan	08		7.04.2025
Existing roof plan	05		7.04.2025
Existing ground floor 03			7.04.2025
Proposed ground floor plan	06		7.04.2025

Existing first floor plan	04		7.04.2025
Proposed first floor plan	07		7.04.2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No alterations have been sought as none were considered necessary.