

**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:	<b>2025/62/91075/E</b>
Site Address:	15, Woodkirk Gardens, Woodkirk, Dewsbury, WF12 7HZ
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: 03-Jul-2025**

## **OFFICER REPORT**

### **Site Description**

15 Woodkirk Gardens is a brick built, semi-detached dwelling with a garden to the front, drive to the side leading to a detached garage and an enclosed garden to the rear.

The property is located at residential street with similar properties to the front and sides which backs onto woodland.

### **Description of Proposal**

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

The extension would be set back 0.8m from the front elevation of the dwelling with a projection to the side of 2.7m, extending the remaining depth of the property. The roof form would be pitched.

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

### **Relevant Planning History**

None

### **History of negotiations**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The proposed extension would be constructed up to the shared boundary which would result in the loss of the sense of space between the dwellings, contrary to the House Extensions & Alterations SPD. Amended plans have not been sought.

### **Representations**

The application was advertised by site notice, which expired on 06/06/2025

As a result of the above publicity, no representations have been received.

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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
- **LP 53** - Contaminated land

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 6<sup>th</sup> 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

## **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.

### 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 proposal seeks to construct a two-storey side extension with a 0.8-metre set back from the principal elevation and a corresponding set down to the roofline. While the use of matching materials would ensure visual consistency with the host dwelling, it is noted that the proposed extension would extend up to the shared boundary with no intervening gap. The absence of a physical separation between the extension and the boundary would erode the sense of space between dwellings, which is a characteristic feature of the street scene. Although it is acknowledged that there are a limited number of similar side extensions within the locality, these were granted prior to the adoption of the current House Extensions and Alterations SPD and, as such, are not considered to establish a precedent nor materially alter the character of the

area. The proposal would therefore be contrary to the guidance within the SPD which seeks to maintain visual separation between properties to preserve the spacious and open character of the streetscape.

Having taken the above into account, the proposals 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 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 13 Woodkirk Gardens*

The adjacent property has their own side extension which would minimise the potential for any overshadowing or overbearing impact on habitable rooms, as the ground floor provides the neighbour with a garage. The windows proposed in the front and rear would have limited potential to result in additional over and above the existing dwelling.

With regards to the impact on the adjoining 13 Woodkirk Gardens, 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 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 17 Woodkirk Gardens*

The extension would be constructed on the opposite side of the host property to the adjoining dwelling and as such would have no impact in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the adjoining 17 Woodkirk Gardens, 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 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 12 Woodkirk Gardens*

The neighbouring property on the opposite side of the road is situated some 21m from the host property. Given the works would not reduce the space between the dwellings, the extension would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 12 Woodkirk Gardens, 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 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 Chapter 12 of the National Planning Policy Framework.

#### Impact on highway safety:

The proposals will result in some intensification of the domestic use and the loss of the drive to the side. Furthermore, the car port proposed would not meet standards in terms of its width. However, a parking space to the front would still be retained and there is on street parking available. Furthermore, the increase in accommodation is for 1 additional bedroom. As such, whilst the parking provision is less than desired, it can be considered to be justifiable. 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:

##### *Contaminated Land*

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

##### *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:

None

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a two storey extension to the side of 15 Woodkirk Gardens 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 two-storey side extension, by virtue of its siting up to the boundary with no intervening gap, would result in an unacceptable loss of visual separation between dwellings. This would diminish the sense of space and be harmful to the character and appearance of the street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and 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:** 2025/91075

**Officer Recommendation:** Refuse

### Reasons for refusal

1. The proposed two-storey side extension, by virtue of its siting up to the boundary with no intervening gap, would result in an unacceptable loss of visual separation between dwellings. This would diminish the sense of space and be harmful to the character and appearance of the street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1086314	08/05/2025
Existing plans	R01	1086315	08/05/2025
Proposed plans	R02	1086313	08/05/2025
Climate change statement	-	1087196	08/05/2025

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.

The proposed extension would be constructed up to the shared boundary which would result in the loss of the sense of space between the dwellings, contrary to the House Extensions & Alterations SPD. Amended plans have not been sought.

**Report Dated**

01/07/2025

