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:	**2025/62/91118/E**
Site Address:	78, Raikes Lane, Birstall, Batley, WF17 9QF
Description:	Erection of two storey rear extension and dormer
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: 20-Jun-2025

OFFICER REPORT

Site Description

78 Raikes Lane is a brick built, semi-detached dwelling with a garden to the front, drive to the side leading to a detached garage at the rear and an enclosed rear garden. The property has an existing single storey extension to the rear.

The property is located on a residential street with properties of a similar age and style.

Description of Proposal

The applicant is seeking permission for a hip to gable enlargement, rear dormer and two storey rear extension.

The dormer would have a width of 5.4m and a height of 1.7m with a flat roof form. The dormer would be clad with horizontal boarding.

The rear extension would project 3m from the original rear wall of the dwelling extending across most of the width of the property with an inset of 0.9m from the shared boundary with the adjoining dwelling. The roof form would be flat.

The walls would be constructed using blockwork and render with tiles for the roof over the hip to gable enlargement.

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 proposals fail to comply with Policy in terms of visual amenity given the flat roof design of the rear extension, the use of render and hip to gable enlargement being out of character. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, 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 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
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 53** - Contaminated land

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 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 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.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Hip to gable enlargement

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to **differ from the existing materials**, design, **roof pitch** or detailing, proposals will be considered on a case by case basis.”

The host property forms part of a coherent group of four pairs of semi-detached dwellings, all of which feature uniform hipped roof forms that contribute positively to the character of the street scene. The proposed hip to gable enlargement would disrupt this consistency, introducing an uncharacteristic and visually intrusive roof form that would appear at odds with the established architectural rhythm of the group. Furthermore, the proposed use of render on the new gable elevation would accentuate its prominence and further exacerbate its alien appearance, failing to integrate with the existing palette of materials and the surrounding built context. As such, the proposal would result in harm to the visual amenity of the area and is considered contrary to Chapter 12 of the National Planning Policy Framework, which seeks to achieve well-designed and visually coherent places; Policy LP24 of the Kirklees Local Plan, which requires development to be responsive to local character; and the guidance contained within the Kirklees House Extensions and Alterations Supplementary Planning Document, which advises that extensions and alterations should respect the character, form, and materials of the host dwelling and its surroundings.

Rear dormer

In point 5.25 of the House Extensions & Alterations SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size.

The proposed rear dormer would be reliant on the construction of the hip to gable enlargement, which, as assessed above, is considered to be an inappropriate and unsympathetic alteration that would harm the character of the dwelling and the wider group of properties. As the dormer is dependent on this unacceptable alteration for its implementation, it too is considered unacceptable. Approving the dormer in isolation would not be feasible, and in combination with the hip to gable extension, it would contribute to an overall form of development that fails to respect the established roofscape and character of the area. The proposal therefore conflicts with the design principles set out in Chapter 12 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan, and the Kirklees House Extensions and Alterations Supplementary Planning Document, all of which promote design that is in keeping with the existing building and its context.

Rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The proposed development also includes a two-storey rear extension projecting 3 metres, with a blockwork and render finish and a flat roof form. While the overall scale and footprint of the extension may be considered acceptable in principle, the design and appearance raise significant concerns. The use of a flat roof, in combination with blockwork and render materials,

fails to respect the architectural character of the host property and the surrounding built environment. These design choices result in an incongruous and visually intrusive addition that does not integrate successfully with the existing dwelling. As such, the proposal would have a detrimental impact on visual amenity and is contrary to Chapter 12 of the National Planning Policy Framework, which promotes high-quality design, Policy LP24 of the Kirklees Local Plan, and the guidance set out in the House Extensions and Alterations Supplementary Planning Document (SPD), which seeks to ensure extensions are in keeping with the character and appearance of the original building and wider area.

Summary & conclusion

The proposed development, comprising a hip to gable enlargement, rear dormer, and two-storey rear extension, represents an overall form of development that is poorly designed and unsympathetic to the character of the host property and its setting. The hip to gable alteration introduces an uncharacteristic roof form that disrupts the uniformity of the hipped roofs within this consistent group of semi-detached dwellings, further accentuated by the use of render on the new gable which appears visually intrusive and out of keeping with surrounding materials. The rear dormer, which relies on the hip to gable for its implementation, compounds this harm by introducing a bulky and discordant roof addition. Similarly, the rear extension—with its flat roof form and use of blockwork and render—fails to respect the architectural style of the property and results in an incongruous addition. Taken together, these elements create a cumulative impact that undermines local character and visual amenity. The proposal is therefore contrary to Chapter 12 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan, and the design guidance set out in the Kirklees House Extensions and Alterations Supplementary Planning Document.

<u>Impact on residential amenity</u>:

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.

Impact on 76 Raikes Lane

The proposal includes a hip to gable enlargement and a rear dormer. The adjoining property to the east shares a party wall with the host dwelling.

The hip to gable element would increase the roof mass along the boundary but is a common form of roof alteration and is not expected to result in

significant harm. The rear dormer would be contained within the roof slope and would not project beyond the existing eaves or ridge.

Given the scale and positioning of the proposed works, there would be no material impact on the adjoining property in terms of loss of light, outlook, or privacy. The development is considered acceptable in terms of its relationship with the neighbouring dwelling.

The proposed two-storey rear extension would project 3 metres beyond the original rear elevation of the host dwelling. The adjacent property lies to the west, with a separation distance of approximately 6.3 metres between the two buildings.

This substantial separation ensures that the proposed extension would not result in any significant overbearing, overshadowing, or overlooking impacts on the neighbouring property. The 3-metre projection is modest in scale and, in the context of the intervening distance, is not considered to give rise to any material harm to the adjacent occupier's outlook or levels of daylight and sunlight.

Given the orientation of the neighbouring property to the west, any shadowing that may occur as a result of the extension would be limited to earlier parts of the day and would not be expected to cause a significant loss of amenity. The proposal is therefore considered to maintain an appropriate and respectful relationship with the adjacent dwelling.

The windows in the rear elevation would have views into the applicants own amenity space with angled views toward the neighbour's garden. There would be no loss of privacy.

With regards to the impact on the adjacent 76 Raikes Lane, 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 80 Raikes Lane

The proposal includes a hip to gable enlargement and a rear dormer. The adjoining property to the east shares a party wall with the host dwelling.

The hip to gable element would increase the roof mass along the boundary but is a common form of roof alteration and is not expected to result in significant harm. The rear dormer would be contained within the roof slope and would not project beyond the existing eaves or ridge.

Given the scale and positioning of the proposed works, there would be no material impact on the adjoining property in terms of loss of light, outlook, or

privacy. The development is considered acceptable in terms of its relationship with the neighbouring dwelling.

The proposed two-storey rear extension would project 3 metres from the original rear elevation of the host property and would be set in 0.9 metres from the shared boundary with the adjoining property to the east. This results in a total separation distance of approximately 2.2 metres from the nearest first-floor window of the neighbouring dwelling.

This degree of separation, combined with the modest 3-metre projection, ensures that the extension maintains an appropriate spatial relationship with the adjoining property. The proposal is not anticipated to result in a significant infringement of the 45-degree guideline when taken from the centre of the neighbour's closest habitable room window. Accordingly, the risk of loss of light or undue overbearing impact is considered limited.

Furthermore, due to the eastern orientation of the neighbouring property, the extension is unlikely to cause significant overshadowing during the later parts of the day. Overall, the siting and design of the extension have been carefully considered to preserve the residential amenity of the adjoining occupiers and to remain broadly compliant with established design and amenity standards.

The windows in the rear elevation would have views into the applicants own amenity space with angled views toward the neighbour's garden. There would be no loss of privacy.

With regards to the impact on the adjoining 80 Raikes Lane, 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 39 Briarmains Road

The property to the rear occupies an elevated position some 27m from the host property. Given the separation between the dwellings together with the land level differences, the works proposed to the roof and rear of the host property would result in no significant overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 39 Briarmains Road, 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. However, the parking area to the front and side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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

Proposed conditions

None as the recommendation is for refusal

Conclusion:

This application for a hip to gable enlargement, rear dormer and rear extension at 78 Raikes Lane 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 hip to gable roof enlargement and rear dormer, by reason of the scale, form, and design, would appear out of character with the host property and the established roofscape of the row of dwellings. The alterations would disrupt the uniformity of the roofline and result in an incongruous addition that fails to respect the character and appearance of the surrounding built environment. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions & Alterations Supplementary Planning Document, and the design objectives set out in Chapter 12 of the National Planning Policy Framework.

The proposed rear extension, by virtue of its flat roof design, would represent a poor standard of design that fails to respect the architectural character of the host property. The form and appearance of the extension would be out of keeping with the pitched roof design of the dwelling and the prevailing character of the surrounding area, resulting in an incongruous and visually intrusive feature. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions & Alterations Supplementary Planning Document, and the design objectives set out in 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: 2025/91118
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed hip to gable roof enlargement and rear dormer, by reason of the scale, form, and design, would appear out of character with the host property and the established roofscape of the row of dwellings. The alterations would disrupt the uniformity of the roofline and result in an incongruous addition that fails to respect the character and appearance of the surrounding built environment. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions & Alterations Supplementary Planning Document, and the design objectives set out in Chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, by virtue of its flat roof design, would represent a poor standard of design that fails to respect the architectural character of the host property. The form and appearance of the extension would be out of keeping with the pitched roof design of the dwelling and the prevailing character of the surrounding area, resulting in an incongruous and visually intrusive feature. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions & Alterations Supplementary Planning Document, and the design objectives set out in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	RL01	1086752	25/04/2025
Existing site plan	RL02	1086753	25/04/2025
Existing plans	RL03	1086747	25/04/2025
Proposed site plan	RL04	1086748	25/04/2025
Proposed plans	RL05	1086749	25/04/2025
Climate change statement	-	1086751	25/04/2025

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.

The proposals fail to comply with Policy in terms of visual amenity given the flat roof design of the rear extension, the use of render and hip to gable enlargement being out of character. Amended plans have not been sought.

Report Dated 17/06/2025