

**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>2025/62/91130/E</b>
Site Address:	1, Boundary Terrace, Dewsbury, WF13 4JH
Description:	Erection of two storey extension to rear
Recommending Officer:	Jennifer Booth

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 02-Jul-2025**

## **OFFICER REPORT**

### **Site Description**

1 Boundary Terrace is a stone built, end terrace with the front door opening onto a shared drive. The property has an existing single and two storey rear extension. There is a drive and gate to the side leading to a large rear garden with a large outbuilding.

The property is located in a residential area, off the main road with a mix of house types surrounding.

### **Description of Proposal**

The applicant is seeking permission for a two storey rear extension.

The extension is proposed to project 3m from the rear wall of the existing two storey extension, with a width of 5.2m and would adjoin the existing single storey extension. The roof form would be hipped.

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

### **Relevant Planning History**

2008/92927 – change of use of garage compound to garden – approved

2009/90017 – erection of two storey extension – approved

### **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. What is wrong with the plans, are they able to amend, have we advertised?

### **Representations**

The application was advertised by site notice, which expired on 30/05/2025

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 30** – Biodiversity

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 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.

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 proposal involves the erection of a two-storey rear extension with a 3m projection, in addition to an existing two-storey rear extension of the same depth, resulting in a cumulative projection of 6m. This exceeds the general guidance set out in the House Extensions and Alterations SPD, which advises limiting the depth of two-storey rear extensions to protect the visual and residential amenity of surrounding properties.

While the use of matching materials would help to ensure the extension is visually sympathetic to the host dwelling, the justification for exceeding SPD guidance in this instance is primarily based on the specific site context. The property is situated within a spacious plot with a substantial rear garden and is not readily visible from the public realm. The setting is such that the combined scale of the extensions would not appear unduly dominant or incongruous in the wider townscape.

On balance, having regard to the site's generous proportions and limited public visibility, the proposal is considered acceptable in visual amenity terms and is compliant with the aims of Policy LP24 of the Kirklees Local Plan and, notwithstanding the exceedance, is broadly consistent with the objectives of the House Extensions and Alterations SPD.

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 separate properties to the rear of the site which could be affected by the works proposed.

#### *Impact on 2 Boundary Terrace*

The proposed two-storey rear extension would project 3m beyond the existing rear elevation and would be constructed in addition to the existing two-storey rear extension of the same depth, resulting in a cumulative rearward projection of 6m. The proposed two-storey rear extension would project 3m beyond the existing rear elevation and would be constructed in addition to an existing two-storey rear extension of the same depth.

To the west, the adjoining property includes a single-storey rear projection, which is in the ownership of the applicant, rather than forming part of the neighbouring dwelling. At first floor level, there is a single window on the rear elevation of the adjoining property, which appears to serve a landing—a non-habitable space. Given the orientation, the presence of the applicant's single-storey extension, and the nature of the facing window, the impact on levels of light and outlook to the amenity of this neighbouring occupier is considered to be limited.

However, it is noted that the adjoining property has no private amenity space to the rear. While the proposed development would result in a significant rearward projection, the shared ownership context and the lack of habitable room windows in close proximity help to mitigate the overall impact. On

balance, although the extension exceeds SPD guidance, the relationship between the properties, the nature of the affected rooms, and the ownership circumstances are considered to limit adverse impacts. The proposal is therefore not considered to result in significant harm to the residential amenity of the adjoining occupier and is compliant with Policy LP24 of the Kirklees Local Plan and the intent of the House Extensions and Alterations SPD.

With regards to the impact on the adjoining 2 Boundary Terrace, 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 Carr Cottage*

To the east, the adjacent property is separated from the host dwelling by approximately 7m, providing a substantial degree of spacing between the two properties. While the proposal would result in a cumulative two-storey rear projection of 6m, it is important to note that a two-storey extension with a 3m projection already exists at the property. As such, the additional extension would not extend any further than the existing rearward building line and would not materially increase the overall impact when viewed from the adjacent property.

Although there is a first floor window in the gable elevation of the neighbouring dwelling, this appears to serve as a secondary opening rather than a primary window to a habitable room. Given the existing separation distance, the orientation of the properties, and the limited additional visual impact beyond the current situation, the proposal is not considered to result in unacceptable harm to residential amenity. The development therefore complies with Policy LP24 of the Kirklees Local Plan and the guidance set out within the House Extensions and Alterations SPD.

With regards to the impact on the adjacent Carr Cottage, 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 property has a parking area to the rear and the proposals would not increase the number of bedrooms but would enlarge the existing rooms and therefore the parking on site 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.

*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

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

## Conclusion:

This application to erect a two storey extension to the rear of 1 Boundary Terrace 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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:** 2025/91130

**Officer Recommendation:** Approve

### **Conditions and 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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location plan	PP-13965665v1	1086618	07/05/2025
Existing & proposed plans	2572-1	1086616	07/05/2025
Climate change statement	-	1087024	07/05/2025

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. As the submitted plans were considered to be acceptable, no changes were sought.

**Report Dated**

30/06/2025