

**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:	2025/62/91229/W
Site Address:	29, Birklands Road, Cowcliffe, Huddersfield, HD2 2PF
Description:	Erection of single 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: 18-Sep-2025

OFFICER REPORT

Site Description

29 Birklands Road is a semi-detached dwelling with a render finish at first floor to the front, side and rear with brick detailing on the ground floor at the front. The property has a split front elevation with the roof over the main house being recently altered to a gable and with roof lights installed. The dwelling has recently removed part of a car port. There is a garden area to the front and a drive with an enclosed rear garden. Works have already been undertaken with a dormer in the rear roof plane, a single storey rear extension nearing completion and a raised patio.

The surrounding area is residential with a mix of house type although the surrounding properties are similar in terms of age.

Description of Proposal

The applicant is seeking permission for a car port to the side, hip to gable enlargement, rear dormer, single storey rear extension and raised patio.

The car port would project 3.2m from the side wall of the dwelling with a depth of 4.8m. The roof form would be lean to with an open front and glazing in the side walls.

The rear dormer has a width of 4m and a height of 2m with a flat roof form and grey upvc cladding.

The rear extension projects 5m from the original rear wall and extends across the width of the dwelling. The roof form proposed would be pitched with roof lights. The walls have been finished with render and the roof would be tiled.

Details of the raised patio have not been included. However, the base appears to be 60cm of the ground level and the projection would add an additional 2.5m approx.

For clarification, part of the works have been carried out – the hip to gable enlargement and the rear dormer. The rear extension and raised patio have been partially completed. However, the car port has not been started.

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 appearance, disproportionate additions, lack of subservience, cumulative impact and overbearing impact on the adjoining property. Amended plans have not been sought.

Representations

The application was advertised by site notice, which expired on 20/06/2025

As a result of the above publicity, one representation has been received. The material planning matters raised are summarised as follows:

- Loss of privacy,
- Raised patio on site not shown on plans.

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

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 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.

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

Car port

Paragraphs 5.15 & 5.16 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 proposed car port is modest in scale and replaces a similar existing structure, resulting in no significant change to the visual impact on the site. Its design is in keeping with the character of the host property and surrounding area, and the use of acceptable materials ensures it integrates well with the existing built form. The proposal is considered to be appropriate in terms of scale, appearance, and siting.

Hip to gable and rear dormer

Proposals for hip-to-gable enlargements and rear dormers are assessed against Policy LP24 of the Kirklees Local Plan and the House Extensions & Alterations SPD. LP24 requires development to respect the character of the area and protect residential amenity. The SPD advises that roof extensions should be subordinate to the original dwelling, avoid visual dominance, and be in keeping with the building and streetscape. Hip-to-gable alterations must maintain balance and avoid disproportionate increases in scale.

The proposed hip-to-gable enlargement and rear dormer would result in a noticeable modification in the character of the pair of properties. However, given the varied roof forms along Birklands Road, the hip-to-gable extension would not appear wholly out of character within the streetscape. While the dormer introduces a new feature to the area, the use of grey cladding helps soften its appearance and provides a more organic integration with the existing roofscape.

Single storey 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 single-storey rear extension projects further than would typically be supported. The generous size of the rear garden allows the extension to be accommodated without resulting in overdevelopment to the

site per se. However, the projection is significant and the scale and mass competes with the host building detracting from the modest semi-detached property.

The use of matching materials ensures the extension remains in keeping with the character and appearance of the host property, however the projection, scale and mass would detract from the host building and character of the area.

Raised patio

Details of the raised patio have not been provided within the application; however, it was observed during the site visit. Given its limited height, the patio does not significantly alter the appearance of the property or result in harm to visual amenity.

Cumulative impact

The proposed works, including a car port, hip-to-gable enlargement, rear dormer, large rear extension, and raised patio, collectively result in a substantial alteration to the host property. While each element may be acceptable in isolation, the cumulative impact is considered disproportionate and lacks subservience to the original dwelling. As such, the overall scale and extent of development are likely to detract from the visual amenity of the site and its surroundings.

Having taken the above into account, the proposals—comprising a car port, hip-to-gable enlargement, rear dormer, large rear extension, and raised patio—would cumulatively result in disproportionate additions that fail to respect the scale and form of the original dwelling. The extent of development lacks subservience and would cause harm to the visual amenity of both the host property and the wider street scene. As such, the proposals do not comply with Policy LP24 of the Kirklees Local Plan, particularly parts (a) and (c), nor with Key Design Principles 1 and 2 of the House Extensions & Alterations SPD, or 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 27 Birklands Road

the proposed development would be located approximately 4 metres from the adjacent property at 27 Birklands Road to the south-east. While this represents a modest separation distance, it is noted that the neighbouring property benefits from its own conservatory, which provides a degree of screening. Additionally, the windows proposed in the side elevation of the extension would be obscurely glazed, further mitigating any potential overlooking. As such, the impact on the residential amenity of No. 27 is considered to be acceptable.

With regards to the impact on the adjacent 27 Birklands Drive, 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 31 Birklands Road

The proposed extension has been constructed on the boundary with 31 Birklands Road to the north-west and projects 5 metres from the rear elevation. Due to its scale and siting, the development is considered to have an overbearing impact on the adjoining property, with the building also affecting the rear elevation and garden area during morning hours through overshadowing. While no windows are proposed in the side elevation facing No. 31, the rear-facing windows would overlook the applicant's own garden, limiting concerns regarding direct overlooking. Nonetheless, the overall impact on residential amenity is unacceptable due to the overbearing and overshadowing effects.

With regards to the impact on the adjoining 31 Birklands 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.

Impact on 20 Birklands Road

The property on the opposite side of the road is situated some 23m from the host property with the road between the dwellings. Given the separation between the dwellings, the works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 20 Birklands 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 considered to result in an adverse impact upon the residential amenity of neighbouring occupants, particularly the adjoining property at 31 Birklands Road. The extension has been constructed on the shared boundary with a 5-metre rear projection, resulting in an overbearing relationship and overshadowing of No. 31's rear elevation and garden during morning hours. While there are no windows in the side elevation and rear-facing windows would overlook the applicant's own garden, the overall scale and siting of the development fail to respect the amenity of the neighbouring property. As such, the proposals do not comply with Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the House Extensions & Alterations SPD, or the aims of 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 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:

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:

One representation has been received. The material planning matters raised are summarised as follows:

- Loss of privacy – **Response:** *The objection cites the narrow windows in the side elevation as being shown on plan as obscure glaze but on site they are not. If Officers were minded to approve the scheme, a condition would be added to ensure the windows are obscure glazed,*

- Raised patio on site not shown on plans – **response:** *although not shown on the plans, this was clearly seen by the officer on the site visit and has been assessed as part of this application.*

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a car port to the side, hip to gable enlargement, rear dormer, rear extension and raised patio at 29 Birklands Road 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 development, comprising a car port, hip-to-gable enlargement, rear dormer, extension, and raised patio, would result in disproportionate additions that fail to remain subservient to the original dwelling. The scale, form, and extent of the works would significantly detract from the character of the host property and from the visual amenity of the surrounding 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 proposed rear extension, constructed on the shared boundary with 31 Birklands Road and projecting 5 metres from the rear elevation, results in an unacceptable overbearing impact and causes overshadowing of the neighbouring property's conservatory, dining room window and garden during morning hours. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 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: 2025/91229

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed development, comprising a car port, hip-to-gable enlargement, rear dormer, extension, and raised patio, would result in disproportionate additions that fail to remain subservient to the original dwelling. The scale, form, and extent of the works would significantly detract from the character of the host property and from the visual amenity of the surrounding 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.
1. The proposed rear extension, constructed on the shared boundary with 31 Birklands Road and projecting 5 metres from the rear elevation, results in an unacceptable overbearing impact and causes overshadowing of the neighbouring property's conservatory, dining room window and garden during morning hours. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 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	-	1087011	27/05/2025
Existing plans	002	1089448	27/05/2025
Existing floor plans	-	1087627	27/05/2025
Block plan	001	1089447	27/05/2025
Existing block plan	-	1087625	27/05/2025
Existing 3d & section	002	1087929	27/05/2025
Location & site plans	-	1087217	27/05/2025
Proposed site plan	-	1087623	27/05/2025
Proposed block plan	-	1087626	27/05/2025
Proposed elevations	South east	1087630	27/05/2025
Proposed elevations	South west	1087629	27/05/2025
Proposed floor plans	-	1087628	27/05/2025
Proposed 3d & sections	006	1089192	27/05/2025
Proposed plans	004	1089191	27/05/2025
Bridging lintel	-	1087624	27/05/2025
Structural details	-	1087012	27/05/2025
Climate change statement	-	1088459	27/05/2025

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 proposals fail to comply with Policy in terms of appearance, disproportionate additions, lack of subservience, cumulative impact and overbearing impact on the adjoining property. Amended plans have not been sought.

Report Dated

09/09/2025
