

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:	2025/62/91380/E
Site Address:	21, Kertland Street, Savile Town, Dewsbury, WF12 9PU
Description:	Erection of first and second floor extension
Recommending Officer:	Jennifer Booth

DECISION - Refuse

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 14-Aug-2025

OFFICER REPORT

Site Description

21 Kertland Street is a stone fronted, mid terraced property with the front door opening out onto the pavement. There is a small yard to the rear and the property has an existing two storey rear extension.

The surrounding properties are similar in terms of age with a variety of extensions and alterations.

Description of Proposal

The application is seeking planning permission to raise the roof over the main house and existing rear extension and erection of a single storey rear extension.

The eaves height of the dwelling would be increased from 6.1m to 9m with the overall height of the dwelling increasing from 8.1m to 11m. The roof pitch would be retained over the original house and a perpendicular pitched roof over the two storey rear extension.

The walls would be constructed using stone on the front walls with brick for the side and rear walls and tiles for the roof covering.

Relevant Planning History

1999/93297 - Erection of single and two storey rear extension - Approved

2001/91043 - Erection of single storey rear extension – Approved

2025/90138 – Raising roof - Refused

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 do not comply with the SPD in terms of visual amenity. Amended plans have not been sought. The agent is aware of the issues with the proposals.

Representations

The application was advertised by site notice, which expired on 05/03/2025

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

Elected Member Comments

Supporting comments were received from Councillor Hanifa Darwan and Councillor Nosheen Dad accompanied with requests for the application to be heard at the District-Wide Planning Committee. The Chair of the District-Wide Planning Committee, Councillor (Cllr) Sheikh Ullah, reviewed the planning application along with the history of the site and the surrounding area and the requests from the ward councillors. Further to this, a dismissed appeal within the vicinity at 72 Saville Road was reviewed, whereby the Inspector raised similar concerns on appearance, design, and Visual amenity.

The Chair weighed up this information alongside the comments from Councillors Harwan and Dad and considered that there was insufficient justification for the application to be heard at committee. It was agreed that the application be determined by officers, under delegated powers, in accordance with Council's Constitution and in particular para A(2) of the Investment and Regeneration Scheme of Delegation to Officers and para. 11.10 of Part 5.3 (Protocol for Planning Committees).

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 27** - Flood risk
- **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.

Planning permission was refused earlier this year for the same proposal under planning application 2025/90138. The proposals shall be assessed below.

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 proposals include raising the roof over the main house and existing two storey rear extension and a first floor extension over the existing single storey rear extension.

Raising the roof

It is appreciated that the character of Savile Town is very urbanised, with older terraced properties which have been substantially extended to the rear and within the roof scape. However, the properties on Kertland Street maintain the height of the established terrace row at approximately 8m above the pavement level even with the existing roof alterations. The proposals would see the host property rise another 3m above the row which would form an incongruous feature.

Kirklees have adopted the House Extension and Alterations Supplementary Planning Document (SPD), which places emphasis through principles KDP1 and KDP2 on the character of the host property and the wider area. The supplementary document carries significant weight in the determination of planning applications. There is no current fall back such as potential under the General Permitted Development Order (GDPO) given the age of the property. Furthermore, the lack of any similar extensions to the properties within this row of properties on Kertland Street (which may have provided justification for such development contrary to current policy) is such that the raising of roof of the property would be out of character with the immediate uninterrupted terrace building group. As such, the upwards extension proposed given the scale and height, would not be acceptable in terms of visual amenity.

First floor 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 first floor extension would be similar in appearance to the existing extension to the rear of the adjacent dwelling and would not require any increase in terms of the footprint. The first floor extension would have the potential to be supported subject to an appropriate roof design in terms of visual amenity.

Conclusion of visual amenity

Having taken the above into account, the second floor extension would result in harm in terms of visual amenity for both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, 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.

Impact on 19 Kertland Street

It is noted that the adjoining 19 Kertland Street is in the ownership of the applicant. That being said, consideration is still necessary given the potential for the ownership to change.

Extending the host property upwards and the first floor rear extension would have no impact on the adjoining dwelling in terms of overbearing or overshadowing given the spatial relationship with the adjacent dwelling. As such, there would be no issues in terms of privacy given the layout of openings and the spatial relationship with the adjacent property.

With regards to the impact on the adjoining 19 Kertland Street, 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, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 23 Kertland Street

Extending the host property upwards and the first floor rear extension would have no impact on the adjoining dwelling in terms of overbearing or overshadowing given the spatial relationship with the adjacent dwelling. As such, there would be no issues in terms of privacy given the layout of openings and the spatial relationship with the adjacent property.

With regards to the impact on the adjoining 21 Kertland Street, 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, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 9 & 10 Grosvenor Street

The neighbouring properties to the rear are situated some 21m from the host property. Given the separation, the proposed extensions would have limited potential to result in any significant overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring properties 9 & 10 Grosvenor Street, 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, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 24 Kertland Street

The space between the host property and the neighbouring property on the opposite side of the road is limited to approx. 12m. The proposals would not decrease the space between the properties and would not increase the impacts of the dwelling in terms of overshadowing or overbearing or provide any additional opportunity for overlooking.

With regards to the impact on the neighbouring 24 Kertland Street, 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, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Conclusions on residential amenity

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 it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing is limited. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. The proposals broadly comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 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.

Flood Risk

The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

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 raise the roof over the main house and existing rear extension of 21 Kertland Street 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 raising of the roof, due to the design and height, would appear out of character with the host property and the neighbouring dwellings within this row. Furthermore, the overall bulk and massing of the extension would not appear subservient to the original building and would therefore not promote good design. To permit the proposals would be detrimental in terms of visual amenity and contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within 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: 2025/91380

Officer Recommendation: Approve

Conditions and Reasons

1. The proposed raising of the roof, due to the design and height, would appear out of character with the host property and the neighbouring dwellings within this terrace row. Furthermore, the overall bulk and massing of the extension would not appear subservient to the original building and would therefore not promote good design. To permit the proposals would be detrimental in terms of visual amenity and contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing Plans	-	1089491	19/05/2025
Proposed Plans	-	1089490	19/05/2025
Climate Change Statement		1089489	19/05/2025
Flood Risk Assessment	-	1089488	19/05/2025

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 do not comply with the SPD in terms of visual amenity. Amended plans have not been sought. The agent is aware of the issues with the proposals.

Report Dated

07/08/2025

