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:	**2025/62/91422/E**
Site Address:	62, Spen Valley Road, Ravensthorpe, Dewsbury, WF13 3EZ
Description:	Erection of two storey rear and single storey front 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: 31-Jul-2025

OFFICER REPORT

Site Description

62 Spen Valley Road is a brick built mid terraced property with a garden to the front and an enclosed yard area to the rear. The property has a brick built outbuilding to the rear.

The property is located on a residential street with similarly aged properties some of which have been extended and altered.

Description of Proposal

The applicant is seeking permission for a single storey front extension and single & two storey rear extension.

The single storey front extension is proposed to project 1.5m from the original front elevation, extending across the full width of the property with a lean to roof form for the most part although there would be a pitched detail over the front door.

The rear extension is proposed to project 5m on the ground floor reducing to 3m at first floor and extending across the width of the property with a lean to roof form over the ground floor and a perpendicular pitched roof form over the first floor.

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

Relevant Planning History

2020/91131 – front extension and raising roof to form second floor - 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 proposal does not meet the 45 degree criteria and would have an overbearing and overshadowing impact on the adjoining 60 Spen Valley Road. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 04/07/2025

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 27** - Flood risk

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

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 two distinct elements which shall be addressed below.

Single storey front extension

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The front extension is modest in terms of its projection. It would be constructed using matching materials to the main house. Furthermore, there are other similar extensions in the street scene. As such, the front extension is considered to be acceptable in terms of visual amenity.

Single & two 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 ground floor would be replacing an existing outbuilding with a larger footprint across the full width and with an increased 5m projection. The property would retain a modest amenity space. The scale of the rear extension although large, is comparable to other similar extensions in the row and as such is, on balance, considered to be justifiable in this instance. The material proposed include the use of brick for the walling with tiles for the roof covering. The rear extension is therefore considered to be acceptable in terms of visual amenity.

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.

<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 60 Spen Valley Road

The ground floor would replace the existing outbuilding with a 1.3m greater projection albeit across the width of the dwelling and would have limited additional impact over and above the existing arrangements on site. However, the first floor would be built up to the shared boundary and would infringe upon the 45 degree line from the neighbour’s bedroom window contrary to para 4.17 of the SPD as well as overshadowing neighbouring amenity space and no justification has been submitted in terms of the overbearing and

overshadowing impact on the rear elevation, first floor window and amenity space of the adjoining dwelling.

It is noted that the windows would face into the applicants own amenity space with limited potential for any overlooking. The first floor bedroom window would not have any greater overlooking of adjoining amenity space than at present

With regards to the impact on the adjoining 60 Spen Valley 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 unacceptable.

Impact on 64 Spen Valley Road

The neighbouring property has their own outbuilding and a modest separation which would minimise the potential for any overshadowing or overbearing as a result of the rear extension.

It is noted that the windows would face into the applicants own amenity space with limited potential for any overlooking. The first floor bedroom window would not have any greater overlooking of adjoining amenity space than at present.

With regards to the impact on the 64 Spen Valley 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 36-38 Spen Valley Road

The 23m separation between the host property and the dwellings on the opposite side of the road is such that the single storey front extension would have no impact on the amenities of the occupiers of the dwellings opposite in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 36-38 Spen Valley 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 90 Spen Valley Road

The neighbouring property to the rear has their own extensions which have reduced the space between the properties 19m. However, there are outbuildings to the rear of the properties which would screen much of the works. The remaining separation would minimise any potential for overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 90 Spen Valley Road, the scheme is considered to be acceptable 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 it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing would equate to a single additional bedroom. 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:

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 to erect a single storey extension to the front and a single & two storey rear extension at 62 Spen Valley 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 rear extension, by reason of its projection and position along a shared boundary infringes upon the 45 degree line with the bedroom window of the neighbouring 60 Spen Valley Road and would result in an overbearing impact and overshadowing in the afternoon. 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: 2025/91422
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed rear extension, by reason of its projection and position along a shared boundary infringes upon the 45 degree line with the bedroom window of the neighbouring 60 Spen Valley Road and would result in an overbearing impact and overshadowing of adjoining amenity space in the afternoon to the detriment of the occupants. 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	-	1090138	05/06/2025
Location & site plan	-	1090989	05/06/2025
Proposed plans	-	1090139	05/06/2025
Climate change statement	-	1090991	05/06/2025
Flood risk information	-	1090990	05/06/2025

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 proposal does not meet the 45 degree criteria and would have an overbearing and overshadowing impact on the adjoining 60 Spen Valley Road. Amended plans have not been sought.

Report Dated 23/07/2025