

**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:	2025/62/91466/E
Site Address:	11B, Kingsway, Birstall, Batley, WF17 9LH
Description:	Erection of two storey side extension and rear, front/side dormers
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: 28-Jul-2025

OFFICER REPORT

Site Description

11B Kingsway, Birstall, Batley and is a detached brick built bungalow with tiled roof set within land which is unallocated within the Kirklees UDP. The bungalow is set at the end of a cul-de-sac which increases in gradient towards the site. The dwelling benefits from a tiered garden to the rear, patios to the front and side and a large driveway with detached garage.

The entrance into the property is shown as being on the northeast elevation which would indicate that the southwest elevation is the rear. That being said, the south west elevation is a very prominent elevation which would have a significant impact on the street scene. The labelling on the submitted plans has the south west elevation as the front.

The application site is set within a predominantly residential area with a recreation ground to the North West.

Description of Proposal

The applicant is seeking permission for the erection of a two storey side extension with a large rear dormer, replacement front dormers and a side dormer.

The side extension is proposed to project 5.5m from the original side wall of the dwelling and would extend the depth of the dwelling with a pitched roof form. The proposals include a dormer within the road facing roof plane with a height of 2.9m and a width of 2.8m and a continuation of the proposed rear dormer. The roof form would be pitched.

The plans show the existing dormers in the rear elevation being replaced with a dormer across the full width of the original house and to the rear of the proposed side extension with a total width of 17m. The height would be 2.5m to the eaves with a sloping roof form.

The existing front dormer would be replaced with three dormers, the first (nearest the front extension) would have a width of 1.9m with a height 2.4m to the apex. The second and third would each have a width of 2.8m and a height of 2.7m to the apex.

The walls would be constructed using brick with tiles for the roof covering. And the dormers would be clad with vertically hung tiles.

Relevant Planning History

2018/91995 - erection of single storey side and external alterations – approved

2023/91845 - two storey rear extension, demolition of existing garage and erection of detached garage with store above and external works - 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 fail to comply with the House Extension & Alteration SPD in terms of subservience and design. 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 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 in 2023 for a first floor front extension due to the impact on the neighbouring property. The current proposals are for dormer

extensions to the front and rear with a two storey side extension which 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 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.

Front dormers

Paragraph 5.26 of the House Extensions & Alterations SPD requires consideration of the wider area and surrounding buildings when considering whether a front dormer is appropriate. Dormers should be well-designed and small in scale.

The proposal includes the replacement of the existing front dormer with four new dormers—one positioned within the roof plane of the front extension and three within the main roof slope. The proposed dormers vary in size and spacing, resulting in an irregular and visually unbalanced arrangement. Despite the use of vertically hung tiles to match the existing materials, the cumulative impact of the dormers would create a cluttered and incongruous appearance that fails to respect the architectural character of the host property. As such, the development would be detrimental to the visual amenity of the street scene.

Side extension

Paragraphs 5.15, 5.19 & 5.21 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 design of the proposed side extension respects the architectural lines of the existing dwelling, and its scale remains proportionate to the host property, ensuring it does not appear overbearing or dominant. The use of matching brickwork and roof tiles contributes to a cohesive and sympathetic appearance. The surrounding area features a varied mix of house types and styles, with several properties having undergone similar extensions. Notably, the adjacent property has recently been extended in a comparable manner, setting a precedent for this type of development in the immediate context. As such, the proposal is not considered to result in harm to the character or

appearance of the street scene. Overall, the side extension is considered acceptable in terms of visual amenity.

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, by virtue of its very substantial size, would appear overly dominant and would not form a subservient addition to the dwelling. Its scale and massing would disrupt the proportions of the rear roof slope, resulting in a visually intrusive feature. When considered alongside the proposed front dormers, the cumulative impact of the development would lead to a cluttered and incongruous appearance that fails to respect the character of the host property. As such, the proposal is considered to result in harm to the visual amenity of the dwelling and its wider setting.

Having taken the above into account, the proposed development would result in harm to the visual amenity of the host dwelling as well as character of the area, contrary to Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) would not form a subservient addition to the property appearing at odds with the existing building, as well as 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 properties to the north side and rear which could be affected by the works proposed.

Impact on 11c Kingsway

The adjacent bungalow occupies a significantly lower land level. The proposed dormers would not reduce the space between the existing dwelling and this neighbour and as such would result in no additional overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 11c Kingsway, 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 11a Kingsway

Although the side extension would reduce the space between the host property and the adjacent neighbour to the south, the adjacent property occupies an elevated position relative to the host property and has their own large outbuilding on the boundary. As such, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the 11a Kingsway, 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.

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 two storey side extension along with front/side and rear dormers at 11b Kingsway 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 front, side, and rear dormers, by virtue of their cumulative scale, positioning, and design, would result in an awkward and cluttered roofscape. This would form a visually intrusive and incongruous addition that fails to respect the character and appearance of the host dwelling. The development is therefore considered to cause unacceptable harm to the visual amenity of the property and the surrounding area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alteration 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: 2025/91466

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed front, side, and rear dormers, by virtue of their cumulative scale, positioning, and design, would result in an unsympathetic cluttered roofscape. This would form a visually intrusive and incongruous addition that fails to respect the character and appearance of the host dwelling. The development is therefore considered to cause unacceptable harm to the visual amenity of the property and the surrounding area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alteration SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	01	1090411	03/06/2025
Existing plans	02	1090439	03/06/2025
Proposed plans	03	1090440	03/06/2025
Climate change statement	-	1090441	03/06/2025

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 proposals fail to comply with the House Extension & Alteration SPD in terms of subservience and design. Amended plans have not been sought.

Report Dated

24/07/2025

