

**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>2025/62/91545/E</b>                                |
| Site Address:         | 43, Tanhouse Street, Ravensthorpe, Dewsbury, WF13 3ES |
| Description:          | Erection of single storey rear 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: 30-Jul-2025**

## **OFFICER REPORT**

### **Site Description**

43 Tanhouse Street is a brick built, mid terraced property with an existing two storey extension to the rear. The front door opens onto the back of the footway and the property has an enclosed yard area to the rear.

The property is located on a residential street with properties of a similar age and style to each side.

### **Description of Proposal**

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

The extension would project 3m from the rear wall of the existing extension and would extend across the width of the property. The roof form would be pitched.

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

### **Relevant Planning History**

2018/92118 – erection of first floor rear extension – approved

2006/91712 – erection of single storey rear 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. There is no further scope to extend this property. 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 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 27** - Flood risk

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

## **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.

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 would be located to the rear of the property, which already benefits from an existing two-storey rear extension. The extension would be constructed using materials that match the main dwelling, including brick walling and tiled roofing, ensuring visual continuity with the host property. A modest level of amenity space would be retained following the development. Furthermore, there are several examples of similar rear extensions along this side of Tanhouse Street, and as such, the proposal would not appear out of character within the surrounding built environment. The extension is therefore considered to have an acceptable impact on the visual amenity of the area.

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.

#### *Impact on 41 Tanhouse Street*

The adjoining property to the south has their own single and two storey rear extension which would prevent the proposed single storey rear extension from causing any overshadowing or overbearing. The windows proposed in the rear elevation would look into the applicants own amenity space with no significant potential for overlooking.

With regards to the impact on the adjoining 41 Tanhouse 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 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 45 Tanhouse Street*

The extension would project an additional 3 metres to the already extended property, resulting in a 6 metre projection along the boundary located to the south of the adjoining property. This would result in additional overshadowing in the afternoon together with an overbearing impact due to the resulting projection. It is noted that the windows in the rear elevation would look into the applicants own amenity space with limited potential to result in overlooking of neighbouring spaces.

With regards to the impact on the adjoining 45 Tanhouse 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 of the NPPF and the proposals are considered to be unacceptable.

#### *Impact on 48 Spen Valley Road*

The neighbouring property to the rear occupies a position some 22m from the site. Given the separation between the properties, the proposed single storey rear extension would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 48 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.

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 not result in any significant intensification of the domestic use.

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:

##### *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

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the rear of 43 Tanhouse 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 rear extension, by reason of its additional projection along the shared boundary with the adjoining 45 Tanhouse Street would result in overbearing in the afternoon and an overbearing impact of the amenity space and rear windows. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 5 & KDP6 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:** 2025/91545**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed rear extension, by reason of its additional projection along the shared boundary with the adjoining 45 Tanhouse Street would result in overbearing in the afternoon and an overbearing impact of the amenity space and rear windows. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 5 & KDP6 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        | 1091617 | 05/06/2025    |
| Existing floor plans      | 02        | 1091620 | 05/06/2025    |
| Proposed floor plans      | 03        | 1091619 | 05/06/2025    |
| Elevations – front & rear | 04        | 1091622 | 05/06/2025    |
| Elevations – sides        | 05        | 1091621 | 05/06/2025    |
| Flood risk information    | -         | 1091614 | 05/06/2025    |
| Climate change statement  | -         | 1091615 | 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.

There is no further scope to extend this property. Amended plans have not been sought.

**Report Dated** 25/07/2025

