

**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:	2025/62/91707/E
Site Address:	1, Charnwood Bank, White Lee, Batley, WF17 8PY
Description:	Erection of side and rear extensions, formation of driveway with dropped kerb to front elevation and associated works
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22-Aug-2025

OFFICER REPORT

Site Description

1 Charnwood Bank, Batley WF17 8PY is a two storey detached dwelling which currently benefits from its own side and rear garden, a conservatory to the rear which projects 3.2m beyond the rear of the existing house. The dwelling is set back from the road by private amenity space. The property occupies a corner plot at the junction with White Lee Road. The properties within the vicinity are cohesive in appearance as they are of similar scale, design and materials.

Description of Proposal

This application has been received for the erection of side and rear extensions, formation of driveway with dropped kerb to front elevation and associated works

The proposal would feature a two storey rear extension which would extend 3m beyond the rear elevation of the dwelling, have a width of 5.1m and a maximum height of 6.8m.

The proposal would also feature a single storey wrap around extension, this would project 5.25m beyond the rear elevation of the dwelling and 3.5m beyond the side elevation of the dwelling. This would be set in a minimum of 1.06m away from the northern boundary of the site. This would have a maximum height of 4.91m.

The proposal would be constructed with all external facing materials matching the existing dwelling which has a brick and rendered finish.

Relevant Planning History

N/A

History of Negotiations

No alterations were requested during the course of the application.

Representations

The application was advertised by site notice which expired on 31.06.2025. No representations have been received as a result of site publicity.

Consultation Responses

No formal consultations deemed necessary.

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 located in the Green Belt on the Kirklees Local Plan. 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
- **LP2** – Place shaping
- **LP 22** Parking
- **LP 24** – Design

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 15- Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity

- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

1) 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 and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

2) Impact on visual amenity

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details. Section 5 of the house extensions and alterations SPD refers to rear extensions and states that two storey rear extensions:

- should be proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Officers have reviewed the two storey element of the proposal and consider that it would extend an appropriate distance beyond the rear elevation of the host dwelling and although it would not be set off the shared boundary, this is due to the extension projecting directly beyond the rear elevation of the host dwelling. Officers acknowledge the points raised in the SPD referring to extensions being required to be set off of the boundary, but consider in this instance the points would be relevant to the impact on neighbours. Officers consider that the two storey extension as a stand alone feature would not be inappropriate from a visual perspective in this instance. The proposal also includes a single storey wrap around extension which comprises a rear and side extension.

Single Storey Rear Extension

The Kirklees House Extensions and Alterations SPD refers to single storey side extensions and states that they should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

and in relation to single storey side extensions, states that they:

- should extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- be set back at least 500mm from the original building line to allow for a visual break.

The property has a modest amount of amenity space to the side and rear of the property with an existing rear extension. The proposed extension, when taken into account with the proposed two storey rear extension, would be larger than the existing single storey projection on site and would almost entirely fill the space to the rear of the garden and adjacent to the dwelling which would result in a cramped form of development.

Furthermore, the proposed single-storey side extension, due to its close proximity to the public realm, and its projection beyond the established building line, would appear unduly prominent and incongruous within the street scene. This would result in a detrimental impact on the character and appearance of the area. From a planning perspective, the development fails to respect the prevailing pattern of development and would appear out of keeping.

As such, the proposals fail to comply with Policy LP24 of the KLP, KDP1 & KDP2 of the House Extensions and Alterations SPD and advice within chapter 12 of the NPPF. Having taken the above into account, the proposals would result in harm in terms of visual amenity to 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 and (c) as the extension would not form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

3) 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 proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

Impact on 3 Charnwood Bank: adjoins the application site to the west.

Overlooking: The proposal would not feature any side facing windows and as such would not result in a loss of privacy to the occupants of no.3.

Overshadowing/loss of light/overbearing: The proposed extension would project approximately 4.5m beyond the rear of no.3. Officers consider that there would be an alteration to the existing relationship between the dwellings; however, the extension would be set approximately 2.3m away from the side of no.3 and any overshadowing would be limited in duration during the day.

On this basis, the impact upon the occupants of this neighbouring property is not considered to be significantly detrimental to warrant a reason for refusal.

The site is separated from adjacent development at the rear (south) by an Electricity Sub-Station, whilst there is an adequate separation distance to existing development to the north and east so as to not have a detrimental impact on other occupiers.

In summary, for the reasons set out above, the proposal is considered on balance, to be acceptable in residential amenity terms, in accordance with

Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

4) Impact on highway safety

The proposal would not impact parking provision on site or represent a significant intensification.

Officers have reviewed the application with Highways and no concerns have been raised; however, separate licenses would be required to make alterations to the highway, as proposed off Charnwood Bank.

As such the scheme would potentially cause harm in terms of highway safety and as such would fail to comply with LP21 and Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

5) Other matters

Carbon Budget

The proposal is a small-scale 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.

Trees

The proposal would include the removal of trees to facilitate the proposal. Officers consider this could be undertaken without the need for planning permission as the trees do not benefit from a tree preservation order and therefore no further comments on this matter.

6) Representations

No representations have been received because of site publicity.

7) Conclusion

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. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation Refuse

Decision Authorisation – Delegated Powers

Application Number: 2025/62/91707/E

Officer Recommendation: Refuse

Reason:

1. The proposed extensions, by reason of their overall scale, location and projection beyond the established building line, would result in a cramped form of development which would fail to appear subservient to the host dwelling, and appear unduly prominent and incongruous within the street scene to detriment of visual amenity. The proposals would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Block Plan	24/45		23.06.2025
Location Plan			23.06.2025
Grouped Plans and Elevations	24/45	A	23.06.2025
Existing Floor Plans	24/45		23.06.2025
Existing Elevations	24/45	B	23.06.2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No alterations have been sought as a substantial re -design would be required in this instance.