

**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:	2025/62/91940/E
Site Address:	69, Chapel Lane, Heckmondwike, WF16 9JR
Description:	Erection of two storey side extension and single storey front and rear extensions with balcony above, dropped kerb and associated alterations
Recommending Officer:	Elenya Jackson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Sep-2025

OFFICER REPORT

Site Description

The application site relates to a residential dwelling which is located on a corner plot on the junction between Chapel Lane and Green Avenue. The dwelling has not previously been extended and benefits from vehicular access to the rear and a small amount of amenity space to the front.

The area is predominantly residential with dwellings of similar scale however there is no cohesive design pattern. There are several examples of extensions and alterations to the material palette in the street scene. The materials in the street scene are a mix of stone, render and red brick.

The site is within a high risk coal area.

Description of Proposal

The applications seeks planning permission for the erection of a two storey side extension and a two storey rear extension.

The proposed two storey side extension would extend 2.5m beyond the side elevation of the dwelling, have a depth of 12.1m at ground floor level due to it encompassing both the front and rear extensions and a maximum height of 7.5m.

The two storey rear extension would project 3m beyond the rear of the host dwelling, have a width of 7.2m and a maximum height of 5m. This would appear to have a flat roof due to the provision of a balcony at first floor.

The single storey front extension would project 1.5m beyond the front of the existing dwelling and have a width of 4.5m with a maximum height of 2.9m. The proposal would also amend the roof from a hip to gable.

The proposal would be constructed with all external facing materials matching the existing dwelling.

Relevant Planning History

N/A

History of Negotiations

No alterations have been sought as the scale of alterations required would not be within the scope of this application. The additional highways information was not requested due to the substantive issues with the application and no reasonable solution being obvious from the submitted plans and case officer site visit.

Representations

The application was advertised by site notice which expired on 30.08.2025. 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.

Officers consider that the extensions can be divided into three sections, the two storey rear extension, two storey side extension and single storey front extension.

Two storey rear extension

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. However, the proposed rear extension would appear to feature a flat roof due to the first floor providing a balcony area due to the existing

amenity space being utilised for parking for this proposal. Due to the property occupying a corner plot this would be extremely visible from the public realm. The rear extension would appear as a bulky, prominent and out of keeping feature which would not integrate with the host dwelling and would appear as a dominant feature in the street scene.

Two storey side extension

Section 5:22 of the house extension and alterations SPD refers to two storey side extensions and states:

- They should ideally be visually smaller in relation to the original house.
- Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house.
- Have a roof design that follows the form of the existing roof
- Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

As the host dwelling occupies a corner plot in the street scene, paragraph 5:23 is also considered relevant which states that extensions on corner plots, extensions should be designed to be facing in both directions to create two frontages, with windows overlooking the street, set back from the existing building line on both streets; and follow the boundary treatment along both streets, in relation to its position, height and materials.

The two storey side extension would not be set back or set down from the host dwelling which would reduce the proposals subservience to the host dwelling and would unbalance a semi-detached pair when viewing the property from Chapel lane. In addition, the extension would significantly project beyond the established build line along Green Lane.

It is considered that, due to the currently uninterrupted build-line within Green lane, the existing dwelling being situated within a highly prominent position within the street scene when coupled with the limited size of the plot when considering the scale of proposed development on site, the two storey side extension would be read within the public realm as an obvious and obtrusive addition within the street scene which would fail to integrate with the host dwelling and would not assimilate well in the character of the area contrary to the House Extensions and Alterations SPD and Policy LP24 of the Local Plan.

Boundary treatment

The proposal would also include alterations to the existing boundary treatment on site to increase the fencing to 2m. The proposed fence would immediately abut the pavement and be set forward of the build line within the vicinity. This would interrupt openness and sight lines in looking in an easterly and westerly direction and be out of keeping with the prevailing character of the street scene.

Roof alteration

The proposal includes the alteration of the roof design from a hip to a gable end. It is considered that there are few examples of gable ends within the street scene and wider area and its introduction would further increase the prominence of the extensions within the street scene, would further unbalance a semi-detached pair and would be out of keeping with the prevailing character of the area.

Front extension

The front extension is considered to be acceptable from a visual perspective.

Cumulative impact

Taking the extensions as a whole, they are considered to result overly bulky and lack any subservience to the existing property. The adverse impact is further impacted by the prominent location of the site on a corner plot within the street scene. The extension would unbalance a semi-detached pair and appear as an overdevelopment of the plot which would fail to respect the defined building line, integrate with the host dwelling and detract from the open character of the area to the detriment of visual amenity.

Furthermore, the proposed fence by virtue of its siting, scale and design would result in an incongruous feature within a prominent location which would detract from the character and appearance of the host property and the wider street scene.

Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the character of the area and wider street scene, thus failing to comply with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

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 4 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

71 Chapel Lane: The property is attached to the application property as a semi-detached pair.

Overlooking: The proposal would not feature any side facing windows.

Overshadowing/loss of light/overbearing: The two storey side extension would be screened by the host dwelling and the rear extension would not project beyond the rear of the neighbouring properties extension. The proposal would not have an unacceptable impact on the residential amenity of the occupiers of no.71 in terms of overshadowing/loss of light or overbearing.

2 Green Avenue: Adjoins the application site to the west.

Overlooking: The rear element of the proposal would feature a balcony at first floor level; however, it would not have a direct relationship with the side facing window at no.2. Therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would be located to the east of no.2; officers consider that as the proposal would not increase the maximum height of the dwelling and would retain a reasonable separation distance between the properties no significant issues would be raised.

No other properties would be impacted by the proposal.

4) Impact on highway safety

The proposal would increase the height of the boundary treatment to 2m in height immediately adjacent to the highway which would obstruct visibility splays. The proposed entrance gates would not be set a sufficient distance into the plot which would result in a vehicle having to wait in the highway for the gates to open, the proposal would impact pedestrian intervisibility and adversely impacting on highway safety. In addition, the location of the car parking spaces does not appear to be accessible as the proposed gate would intercept parking space 2.

Officers consider that the proposal would require, swept path analysis and a demonstration of visibility splays which have not been provided to support the application. In addition, the dropped kerb would require a separate section 184 license from the Highways Authority.

As such the scheme would be unacceptable 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.

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 not sustainable development and is, therefore, recommended for refusal

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2025/91859

Officer Recommendation: Refusal

Reasons:

1. The proposed extensions, by virtue of their scale, massing, design, prominent location and proximity to the public realm, would result in the creation of an incongruous feature within the street scene which would unbalance a semi-detached pair and appear as an overdevelopment of the plot which would fail to respect the defined building line, integrate with the host dwelling and detract from the open character of the area to the detriment of visual amenity. To permit this development would be

contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

1. The proposed fence by virtue of its siting, scale and design would result in an incongruous feature within a prominent location which would detract from the character and appearance of the host property and the wider street scene. To permit the proposal would be contrary to Policy LP24 of the Kirklees Local Plan and advice contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed fence, due to the design, height and positioning in relation to the site access, when exiting and entering to the site would create adverse harm to the detriment of pedestrian and highway safety, with no supporting information submitted to conclude otherwise, thereby failing to accord with Policy LP 21 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			15.07.2025
Proposed Site Plan	07		15.07.2025
Existing Plans and Elevations	01		15.07.2025
Proposed Front Elevation	03		15.07.2025
Proposed Rear Elevation	03		15.07.2025
Proposed Side Elevation	04		15.07.2025
Proposed Ground Floor Plans	04		15.07.2025
Proposed First Floor Plans	05		15.07.2025
Proposed Section	08		15.07.2025

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 the scale of alterations required would not be within the scope of this application. The additional highways information was not requested due to the substantive issues with the application and no reasonable solution being obvious from the submitted plans and case officer site visit.