

**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:	2025/62/91947/E
Site Address:	7, Welwyn Avenue, Carlinghow, Batley, WF17 8DU
Description:	Erection of two storey side extension
Recommending Officer:	Faiza Bano

DECISION – Full Conditional Permission

I hereby authorise the approval 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: 14-Oct-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2025/91947
Location	7, Welwyn Avenue, Carlinghow, Batley, WF17 8DU
Proposal	Erection of two storey side extension
Publicity end date	3 rd September 2025
Number of representations received	Two.
Kirklees Local Plan Allocation/Designation	LB Airport Consult - Area 1, DEVELOPMENT LOW RISK AREA
Extension to Time (EoT)	Yes – 14th October 2025
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	N/A
Parish/Town Council comments sought (Kirkburton)	No	N/A

Planning History	Yes	<p><u>Planning Ref: 2025/90054</u> Location: 10, Welwyn Avenue, Carlinghow, Batley, WF17 8DU Proposal: Erection of two storey side extension Decision: Conditional Full Permission Decision Date: 2025-03-14</p> <p><u>Planning Ref: 2003/92107</u> Location: 17, Welwyn Avenue, Carlinghow, Batley, WF17 8DU. Proposal: Erection of Single Storey Extension Decision: Conditional Full Permission Decision Date: 2003-07-14</p> <p><u>Planning Ref: 2006/94117</u> Location: 17, Welwyn Avenue, Batley, WF17 8DU Proposal: Erection of First Floor Extension Decision: Conditional Full Permission Decision Date: 2006-12-06</p> <p><u>Planning Ref: 99/90256</u> Location: 8 Welwyn Avenue, Batley. Proposal: Erection of 2 Storey Extension Decision: Conditional Full Permission Decision Date: 1999-03-10</p> <p><u>Planning Ref: 93/04372</u> Location: 26, Welwyn Avenue, Carlinghow, Batley. Proposal: Erection of 2-Storey Extension Decision: Conditional Full Permission Decision Date: 1993-11-10</p>
Consultations required	No	N/A

Assessment

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraph 5.20 on page 29 (and listed below) and if they do not, they need to be justified:

Two Storey Side Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
not take up all or most of the space to the side of a house;	The proposed extension projects out by 3.1 metres. The design and scale are in keeping with the character of the area. No significant adverse effects will occur on neighbouring properties. Given the scale of the site, it is considered that not all of the space to the side will be taken up. Considered acceptable.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and		A gap of 2.7 metres from the front building line and 73cm from the rear building line will be retained from the side boundary. This is considered acceptable as the gap gradually increases approximately 1 metre from the side elevation, at a point located 0.9 metres from the rear building line, thereby providing reasonable degree of spatial separation and visual relief from the shared boundary with number 9. The variation ensures the dwelling maintains an appropriate relationship with the neighbouring dwelling, minimises visual bulk and upholds the intent of retaining a gap between the neighbouring property.

be set back at least 500mm from the front wall of the house.	Yes – the proposed development is designed to be setback by 500mm from the front wall of the dwelling.	.
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Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The site to which the application site relates to is number 7 Welwyn Avenue. The property is an end terrace dwelling constructed from stone and brick and is roofed with tiles. The property benefits from a garden to the front, side and rear, with an accessible driveway to the front. The property is situated within a residential area and the street scene encompasses several dwellings of the same size, design and scale with similar extensions.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	The extension is generally modest in scale and would not appear overly prominent. The proposed development would be located to the side of the property and will not impact the character or street scene across the frontage of the property.	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	The original property would remain the dominant feature.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) 	As above. The extension would project across the side of the property. The proposed development	✓

	<ul style="list-style-type: none"> and (d) of the KLP • Chapter 12 of the NPPF 	consists of a two-storey extension to the side.	
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Facing materials to match existing – stone to the front elevation and brick to the side and rear elevation.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Pitched style to extensions. The two-storey side extension creates a gable end that is in line with the original roof. Roof style is acceptable as it is in-keeping with the original roof style of the host property.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Modest size windows in extensions, which would be in-keeping with existing building.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Private domestic extension which would provide easy access into the main house.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 8 Welwyn Avenue – Located to the southeast of the application site. This property shall see additional massing and bulk to the application site. However, due to the orientation of number 8, the new fenestration will not directly affect this property and therefore no issues of overbearing/overshadowing and privacy will arise.

- 5 Welwyn Avenue – Located to the south of the application site. There will be no impact on this dwelling, given that the proposed works are located to the opposite side of the shared boundary.
- 9 Welwyn Avenue – Located to the north of the application site. The proposed extension will not overshadow this property or its garden space. A separation distance of 2.7m from the front building line of the application site and 0.73m from the rear building line will be maintained from the shared side boundary, increasing to 1m approximately 0.9m along the side elevation from the rear building line. This arrangement provides adequate spatial separation and visual relief from the shared boundary, ensuring that the proposal will not appear overbearing or intrusive. Importantly, there are no openings along the side elevation of number 9, and the extension does not project beyond its front or rear building lines. As such, there will be no loss of light, overshadowing, or reduction in privacy to any habitable room windows, nor any adverse impact on the useability, accessibility, or enjoyment of the front and rear garden spaces.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As above.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	As above.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Parking is predominantly provided on-street and in curtilage at the front, which remains acceptable due to the location of this property and the neighbouring houses – off the main through-fare. The property also has a driveway big enough to fit a car after the construction of the proposed extension.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	<p>Maintains appropriate access and off-street in-curtilage parking.</p> <p>The application introduces a fourth bedroom which would require an additional off-street parking space. A site visit concluded that there is a driveway big enough to fit at least two cars in curtilage.</p>	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	N/A	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF 	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

The application was advertised via neighbour notification letters.

Final publicity date expired: 3rd September 2025

In response to the above publicity, two representations were received. The following comments are made:

1. Objection raised concerning the proposed development would restrict the right of way access for the adjacent row of terraced houses along Welwyn Road. Specifically, the concern is that the extension would reduce the available space between the property and the boundary line, thereby impeding access for residents who may need to pass through or around the area.

Officer's Response:

Rights of access are a civil matter not a material planning matter. However, in the event that planning permission be approved, it is recommended that an advisory note be attached to the decision advising the applicant that the granting of planning permission does not override any private legal rights or consents that may be required.

1. Concerns raised over the scale and proximity of the proposed extension, particularly at the rear where it would be situated approximately 48cm from the boundary line. The objection outlines several issues:
 - a. The extension would be imposing and significantly reduce daylight to the garden and interior of No. 9.
 - b. It would overlook the neighbouring garden, thereby affecting privacy.
 - c. The objector requests a site inspection to assess the appropriateness of the proposed layout.
 - d. Concerns are raised about the impact of construction work, including noise, dust, and debris, especially given the close proximity to the neighbouring property.
 - e. Previous construction activities related to an earlier extension have already caused notable disturbance.
 - f. The objector questions whether the proposed larger extension can be completed without further adverse impact on the adjacent property.

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan	25330-D01-A	22-Jul-2025
Existing and Proposed Site Plan, Elevations and Floor Plans	25330-D02-A	22-Jul-2025
Climate Change Statement	CCS	22-Jul-2025
Application Form	-	22-Jul-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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 09/10/2025