

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:	2025/62/92263/E
Site Address:	399, Soothill Lane, Soothill, Batley, WF17 6ES
Description:	Erection of single storey rear extension
Recommending Officer:	Faiza Bano

DECISION – CONDITIONAL FULL PEREMISSION

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.

Emma Thompson

AUTHORISED OFFICER

Date: 22-Oct-2025

OFFICER REPORT

Site Description

The site addressed in this application is 399, Soothill Lane, Soothill, Batley, WF17 6ES, a semi-detached dwelling with a stone finish. The site benefits from an amenity area to the front, side, and rear including a driveway and detached garage.

The site is within the Green Belt layer on the KLP.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension.

Single Storey Side Extension

The single storey side extension to provide a kitchen diner projects out by 4m, is designed with a lean-to roof, has an eaves height of 2.5m and has an overall height of 3.6m at the ridge. The extension will be constructed from materials that match the existing.

Relevant Planning History

None.

Representations

The application was publicised by site notice in accordance with the Council's adopted Development Management Charter. The publicity period expired on the 12th of September 2025.

As a result of the above publicity, two representations were received.

1. The objection outlines three primary concerns. Firstly, the proposed development is said to cause a significant loss of daylight and overshadowing, particularly affecting the conservatory, which is used as a playroom and dining area, and the kitchen, thereby negatively impacting the family's daily living conditions. Secondly, the scale and positioning of the development are described as having an overbearing effect on the property, diminishing the quality and usability of the conservatory as a vital family space. Thirdly, the objector argues that the proposal conflicts with both the Kirklees Local Plan and national planning guidance, which aim to protect the amenity of neighbouring residents in terms of daylight, outlook, and privacy. The letter concludes with a request for the Council to refuse the application and raises concerns about potential bias, citing a claim that the applicant may have a friend within the Council who could influence the approval process.

1. The extension, if approved, would obstruct natural light from entering their home, particularly affecting their conservatory and kitchen area. The conservatory, which has a UPVC roof rather than glass, is used as a dining room and playroom for their son and is equipped with heating.

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 located within 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
- **LP 2** – Place shaping
- **LP22** – Parking
- **LP24** – Design
- **LP51** – Protection and improvement of local air quality
- **LP52** – Contaminated and unstable land
- **LP57** – Extension alteration or replacement of existing building

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 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the erection of a rear extension to replace the existing conservatory to provide a kitchen/diner.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An 'original building' is defined in the NPPF glossary as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

As such a key consideration will be its impact on the Green Belt, the development will be assessed having regard to Policy LP57 and NPPF

chapter 13. In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

Impact on openness of the Green Belt and visual amenity:

Historical Plans

As previously highlighted, the site does not currently benefit from previous permissions on site and it is likely that the existing conservatory is an extension.

From viewing historical maps of the site, it is indicated that the original footprint of the dwelling measures approximately 51m², which remains unchanged today. The proposed extension would add an additional square footprint of 26.26 m².

The Planning Practice Guidance (PPG) sets out that “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”.

In this case, the additional volume would be in the form of single storey rear extension and the impact of the proposal by virtue of the introduction of additional volume to the dwelling must be considered.

The single storey rear extension would add an additional volume of approximately 60.7m³. Given the positioning of the extension and context whereby neighbouring properties having been extended, it is considered that this development would be acceptable in its setting and relative to the original host dwelling being single storey and would not amount to disproportionate additions or impact on the openness of the green belt.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) states 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 HEASPD 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.

The proposed extension is of an acceptable design and would not cause any 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.

The plans and application form specify matching materials / stone and render to match. On the basis any approval is subject to condition it is undertaken in

accordance with the plans / application form submitted the proposal is considered to be acceptable with regard to materials of construction.

Having taken the above into account, the development proposed would appear subservient and would not detract from the character or openness of the green belt or cause any harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies LP24 and LP57 of the Kirklees Local Plan and 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:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 goes requires that proposals maintain appropriate storage arrangements for waste.

The proposed extension is considered to have minimal impact on the residential amenity of neighbouring properties to the front, east, and rear. The scale, siting, and design of the extension ensure that it does not result in any significant loss of privacy, nor does it appear overbearing or oppressive when viewed from adjacent amenity space or dwellings.

397 Soothill Lane

There may be some degree of overshadowing to the adjoining property's conservatory. However, this impact is mitigated by several factors:

- The south-facing orientation of the properties ensures a high level of natural light throughout the day, particularly in the afternoon when sunlight reaches the conservatory more directly.
- The extension features a lean-to roof design, which reduces bulk and limits overshadowing.
- The existing fence along the boundary screens much of the extension proposed.

The proposed extension is considered to be acceptable in terms of design and residential amenity and complies with the relevant local and national planning policies.

The proposal would retain adequate amenity / waste storage areas.

The proposal is not considered to lead to a significant increase in overlooking over and above that which can take place already and having regard to the scale of the proposal and distance sited from neighbouring properties the proposal is considered to accord with the aforementioned policies.

401 Soothill Lane

This neighbouring property is separated from the site by an existing driveway providing space to the development proposed. An existing fence mitigates the development also. Due to the scale and positioning the extension will not detrimentally impact the residential amenity of the occupants.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles within the House Extensions and Alterations SPD seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal does not propose any additional bedroom. Furthermore, the site currently benefits from existing off street parking spaces. This arrangement is anticipated to remain unchanged by the proposed extension. Therefore, it is concluded that the development would not adversely impact highway safety.

Other matters:

Carbon Budget

The proposal is a 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.

Representations:

The application was advertised by site notice, which expired on the 12th of September 2025. As a result of publicity two representations were received.

1. An objection outlines three primary concerns. Firstly, the proposed development would cause a significant loss of daylight and overshadowing, particularly affecting the conservatory, which is used as a playroom and dining area, and the kitchen, thereby negatively impacting the family's daily living conditions. Secondly, the scale and positioning of the development are described as having an overbearing effect on the property, diminishing the quality and usability of the conservatory as a vital

family space. Thirdly, the proposal conflicts with both the Kirklees Local Plan and national planning guidance, which aim to protect the amenity of neighbouring residents in terms of daylight, outlook, and privacy. The letter concludes with a request for the Council to refuse the application and raises concerns about potential bias, citing a claim that the applicant may have a friend within the Council who could influence the approval process.

Officer's Response:

With regard to the concern about loss of daylight and overshadowing, it is acknowledged that the proposed extension may result in some degree of impact, particularly to the neighbouring conservatory and kitchen. However, this impact is considered to be limited and not significantly harmful. The properties are south facing, which ensures a high level of natural light throughout the day, especially in the afternoon when sunlight reaches the conservatory more directly. The extension has been designed with a lean-to roof, which reduces its overall height and bulk, thereby mitigating the potential for overshadowing. An existing fence provides screening. As such, the proposal is considered to comply with Key Design Principle 5 of the Council's adopted House Extensions & Alterations SPD, which seeks to prevent unacceptable levels of overshadowing.

The extension is single storey in scale and modest in projection. Its siting and roof design have been carefully considered to ensure it remains proportionate to the host dwelling and does not appear unduly dominant or oppressive when viewed from neighbouring properties. The lean-to roof form and limited height help to reduce visual impact, and the extension does not extend excessively along the shared boundary. This approach aligns with Key Design Principle 6 of the SPD, which requires extensions to avoid being unacceptably overbearing.

The extension has been assessed against Policy LP24 of the Kirklees Local Plan, which requires development to respect the character of the area and protect the amenity of neighbouring occupiers. It also complies with Chapter 12 of the National Planning Policy Framework, which promotes high-quality design and seeks to ensure development does not result in unacceptable harm to residential amenity. The proposal meets the requirements of Key Design Principles 3 and 4 of the SPD, which relate to privacy and outlook, and Principle 7, which ensures that an appropriately sized and usable area of private outdoor space is retained.

With regards to concerns that the applicant may have a friend within the Council. It should be noted that all planning applications are assessed objectively and impartially by professional officers in accordance with the Council's Code of Conduct and statutory planning framework. Any personal connections or perceived conflicts of interest are managed in line with established procedures to ensure transparency and fairness.

While the concerns raised are acknowledged, the development is considered acceptable as assessed.

1. A second objection expresses concern that the extension, if approved, would obstruct natural light from entering their home, particularly affecting their conservatory and kitchen area. The conservatory, which has a UPVC roof rather than glass, is used as a dining room and playroom for their son and is equipped with heating.

Officer's Response:

Whilst it is acknowledged that the extension may result in some degree of overshadowing, during certain times of the day, the impact is not considered to be significantly harmful to justify refusal of the application. The south-facing orientation of the properties ensures natural light throughout the day, especially in the afternoon when sunlight reaches these areas more directly. Additionally, the proposed extension has been designed with a lean-to roof, which reduces its overall height and massing, thereby helping to mitigate the extent of overshadowing.

The single-storey nature of the extension, combined with its modest projection and sympathetic roof design, ensures that it does not appear unduly dominant or oppressive when viewed from the neighbouring property.

Negotiations:

N/A

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/92263

Officer Recommendation: Approve

Conditions and Reasons:

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.

1. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22, LP24, LP30, LP51, LP52 & LP57 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the policies contained within Chapters 12, 13, 14 and 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations	Proposed Plans and Elevations	11-Aug-2025
Grouped Plans and Elevations	Existing Plans and Elevations	11-Aug-2025
Location Plan	Location Plan	11-Aug-2025
Supporting Information	Climate Change Statement	11-Aug-2025
Supporting Information	Planning Statement	11-Aug-2025
Application Form	-	11-Aug-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. No amendments were requested.

Report Dated: 20/10/2025