

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:	2025/62/92495/E
Site Address:	50, Burnley's Mill Road, Gomersal, Cleckheaton, BD19 4PQ
Description:	Erection of single storey rear extension and alterations to convert garage to living accommodation
Recommending Officer:	Morgan Braithwaite

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 10-Nov-2025

OFFICER REPORT

Site Description

50, Burnley's Mill Road, Gomersal, Cleckheaton, BD19 4PQ is a three-storey terraced dwelling faced in red brick. The property benefits from parking provision to the front of the property as well as a single integrated garage. Amenity space is located to both the front and rear of the property.

The dwellings which form the street scene are somewhat similar in scale, design and appearance. The material palette is a combination of red brick and render.

The area is predominantly residential with access to local amenities in close proximity.

Description of Proposal

The applicant seeks permission for the erection of a single storey rear extension and alterations to convert garage to living accommodation.

The proposed rear extension would project approximately 2.5m beyond the rear wall of the existing property and is to have a width of approximately 3m. The proposal is to feature a pitched roof with a maximum height of 3.3m and an approximate eaves height of 2.6m. Double doors shall be located to the rear (north) of the proposed extension, while two long, narrow windows are to be located to the eastern elevation.

The proposed garage conversion shall see the removal of the existing garage doors replaced by windows to the upper half and brick work to the lower.

Relevant Planning History

2005/92651: Removal of condition 19 relating to dwellings being protected from noise nuisance on previous permission. FULL PERMISSION UNCONDITIONAL.

2005/92890: Erection of 55 no dwellings with garages (amended house types). CONDITIONAL FULL PERMISSION.

2011/91545: Non material amendment to permission number 2003/95308 for reserved matters for erection of 221 dwellings and 69 apartments with garages. APPROVED.

2013/93831: Compliance with conditions on previous permission 2001/93780 for outline application for residential development. DISCHARGE OF CONDITION(S) SPLIT DECISION.

2013/93993: Compliance of conditions on previous permission 2003/95308 for erection of 221 dwellings and 69 apartments with garages. DISCHARGE OF CONDITION(S) SPLIT DECISION.

2013/93995: Compliance of conditions on previous permission 2005/92890 for erection of 55 no. dwellings with garages (amended house types). DISCHARGE OF CONDITION(S) SPLIT DECISION.

Consultation Responses

None required.

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 unallocated on the Kirklees Local Plan. The site falls within a bat alert zone and an area known to potentially be at risk of land contamination.

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
- **LP 22** Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP53** – Contaminated and unstable land

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 2023, 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 and beautiful places

Assessment

1) Principle of development

The site is without notation of 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 the 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 is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

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.

Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey extensions to rear 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; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Whilst within 1m of a boundary, this is a shared boundary with a party wall, the proposal would be slightly off set from this boundary and as such this is considered to be acceptable in this regard on the basis there is no design benefit in setting the single storey extension 1m from the boundary to the northern elevation. Particularly taking account of the stepped design of the dwellings.

The proposed works to the principal elevation shall see no additional projection nor height added. Garage doors shall be replaced with windows to create a habitable living space. The proposed extension to the rear (north) of the applicant property is to be single storey in scale and constructed of materials matching that of the existing dwelling. There are several examples of single storey rear extensions within the street scene.

Having taken the above into account, the proposed extension 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.

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

Impact on 48, Burnley's Mill Road, Gomersal, Cleckheaton, BD19 4PQ

There is approximately 3.1m between the side (east) elevation of the applicant property and the side (west) elevation of no.48. it is further noted that no.48 is set back as well as being orientated at a splayed angle from the applicant dwelling.

The proposed works to convert the garage to habitable living accommodation shall see no additional projection nor height added to the existing property. The proposed rear extension is to be single storey in scale and constructed of

materials matching that of the existing dwellinghouse. Furthermore, the proposal would be partially screened by the boundary treatment separating the dwellings.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 52, Burnley's Mill Road, Gomersal, Cleckheaton, BD19 4PQ

No.52 is the adjoining dwelling located to the west of the applicant property. It is further noted that no.52 is set back from the principal elevation of the applicant dwelling.

The proposed works to convert the garage to habitable living accommodation shall see no additional projection nor height added to the existing property. The proposed rear extension is to be single storey in scale and constructed of materials matching that of the existing dwellinghouse. Furthermore, the proposal would be partially screened by the boundary treatment separating the dwellings.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 45-55 Burnley's Mill Road, Gomersal, Cleckheaton, BD19 4PQ

There is approximately 27.6m between the principal (south) elevation of the applicant dwelling and the principal (north) elevation of nos.45-55. The proposed works to the principal elevation of the applicant property would see an alteration to the appearance of the dwelling with the removal of the existing garage door and the inclusion of windows as per the proposal.

The rear extension is to be single storey in scale and constructed of material matching that of the existing. Furthermore, the proposal would be screened by the applicant dwelling itself.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principles of the House Extensions and Alterations SPD.

4) Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The proposal would result in some intensification of the domestic use of the property and would see an alteration to the parking provision provided at the dwelling. However, there is sufficient space to the front of the property to provide additional parking provision if required. It is considered that the extent of parking provision which would remain would be acceptable on the basis of the provision of the additional area of hard standing which would effectively replace the parking provision at the site from the garage to an area of the front amenity space.

Submitted drawing 25/101 indicates the area of additional hard standing. This would see the retention of some area of soft landscaping at the front and it is considered that, on balance, the loss of this soft landscaping could be considered acceptable given it is mainly grass which is behind a hedge. Furthermore it is noted that whilst pd rights are restricted for new buildings / extensions the planning history does not restrict the pd right within class F of part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and such surfacing could likely be undertaken in any event. On the basis any re surfacing is permeable / drains to a permeable area the proposal is considered acceptable with regard to loss of soft landscaping to hard landscaping.

Bin storage would remain possible in curtilage, which is considered acceptable.

Therefore, the proposal 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 and 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.

Bats

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, as assessed within an Informal consultation from the Ecology Officer and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Land Quality

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

No details relating to land quality have been submitted as part of the proposal. The site relates to an existing dwelling in a location previously developed in the last 30 years. As such it is considered proportionate of the LPA to require submission of details of land quality only should contamination be encountered. A suitably worded condition shall therefore be included.

8) Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials condition

Permeable surfacing.

Details submitted to the LPA for written approval should unexpected contamination be discussed.

9) Conclusion

The application to erect a single storey rear extension and alteration to convert the garage to living accommodation at 50, Burnley's Mill Road, Gomersal, Cleckheaton, BD19 4PQ has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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 **CONDITIONAL FULL PERMISSION**

Decision Authorisation: Delegated Powers

Application Number: 2025/92495

Officer Recommendation: Conditional Full Permission

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP53 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the policies within the National Planning Policy Framework.

3. The external facing and roofing materials of the extension hereby and external facing materials of the alterations to convert garage to living accommodation hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation

Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

5. Surfacing works for all approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Councils adopted House Extensions and Alterations SPD, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

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	Plan Reference	Web ID	Date Received
Location Plan	BW1-01224443	1105016	12/09/2025
Existing	25/101 – Existing	1105585	17/09/2025
Proposed	25/101	1105019	12/09/2025
Proposed	25/101 – Proposed Front Elevation	1105018	12/09/2025
Proposed	25/101 - Proposed	1105018	12/09/2025
Climate Change Statement		1105020	12/09/2025
Application Form			12/09/2025

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 engage with the applicant in dealing with the application. No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 28/10/2025