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:	**2025/62/92551/E**
Site Address:	58, Boothroyd Lane, Dewsbury, WF13 2LH
Description:	Erection of side and rear extensions
Recommending Officer:	Elenya Jackson

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: 04-Nov-2025

OFFICER REPORT

Site Description

58 Boothroyd Lane is a two storey semi-detached dwelling which benefits from a front garden and a small amount of rear amenity space which is surfaced.

The property occupies a corner plot between Boothroyd Lane and Burking Road. Due to the change in ground levels, the dwelling is situated at a higher level than the street scene.

The context of the site is predominantly residential, with large semi-detached dwellings of similar scale but varying design. Across from the site is a field and park.

The site is within a high risk coal area.

Description of Proposal

The application has been received for erection of side and rear extensions to the host dwelling

This application has been submitted following a previous refusal on site for a front extension, a two-storey side extension and two storey rear extension.

Two storey side extension

The side extension would project a maximum of 4m beyond the side elevation of the building, have a depth of 9.7m (this has been reduced from 10.9 m). The proposal would follow the shape of the site boundary and would therefore be stepped at the rear.

This extension would feature a hipped roof which has been amended since the previous application from a gable end. The maximum height of the two-storey extension would be 8m (this has been reduced from 9.1m) with the eaves height matching existing dwelling.

Rear Extension

The proposed rear extension would extend 6.6m overall beyond the rear elevation of the dwelling at ground floor level, this is due to the proposal consisting of a 3m projection which would adjoin the existing garage on site. The width of the proposal at ground floor level would be 8.1m and 4.71m at first floor level. This would first floor would feature a hipped roof with a maximum height of 7.1m.

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

Relevant Planning History

2024/62/93271/E: Erection of front, side and rear extensions. Refused on 31st January 2025 for the following reason:

> *The proposed extension, by virtue of its scale, design and location would not be subservient to the original dwelling, would fail to integrate with the host dwelling and would unbalance a semi-detached pair to the detriment of visual amenity and character of the host and area. To permit the proposals would be contrary to policies LP24 of the Kirklees Local Plan, advice within the House Extension Supplementary Planning Document and with chapters 12 & 13 of the National Planning Policy Framework.*

Whether this reason has been suitably overcome by the proposed development the subject of this application is discussed within the following report.

Representations

The application was advertised by site notice, which expired on 24/10/2025

No comments received

Consultation Responses

N/A

Negotiations

N/A

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 Proposals Map.

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 22** – Parking
- **LP 53** – 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.

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 and beautiful places

Assessment

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 is considered acceptable, and the proposal shall now be assessed against all other material 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 Extension & Alteration supplementary planning document (HEASPD) 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 HESPD goes onto 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 proposal would be visible from the street scene as it incorporates an extension to the front and side of the dwelling and is located in an elevated position in the street scene.

Section 5.3 of the HEASPD states that side extensions should:

- not take up all or most of the space to the side of a house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.
- 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

Officers consider that the two storey extension would be set down and set back from the host dwelling at first floor level and that the hipped roof would be set down which would ensure the extension to appear as a subservient addition to the property.

Rear Extensions

Paragraph 5.8 of the HEASPD refers to two storey rear extensions and states that these 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 metres.
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

Paragraph 5.13 relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.
It is considered that the two storey rear extension would largely accord with the aforementioned recommendations.

The single storey rear element of the proposal would adjoin the existing garage on site; however, it would only project 3m beyond the rear elevation of the host dwelling and therefore would not be considered dominant to the host dwelling.

Having taken the above into account, the proposed extension and works to the dwelling are considered to have a satisfactory impact upon visual amenity of the host dwelling. It is considered the proposed development would 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 an acceptable addition to the property which was in keeping with the existing building.

This conclusion is drawn having cognisance of the planning history and previous reason for refusal. The scheme has been revised down in terms of its size and scale, the previously refused proposal was considered to fail to appear subservient or integrate with the host dwelling and would in turn unbalance a semi-detached pair, this was on the basis the previous scheme saw a two storey extension that would not be set down or set back from the host dwelling and that the introduction of an additional gable end to the principal elevation would result in a bulky and overly prominent extension which would fail to integrate with the host dwelling.

In this case the scheme has been revised from that of the previous refusal, it now sees the two storey element to the side set down at roof level and no longer protrudes forward being set back from an existing protruding gable element of the host property. Whilst a ground floor element is proposed at the front, this does not protrude forward, is set back and is considered suitably designed given its set back from the highway. Therefore it is considered the scheme has satisfactorily addressed the previous reason for refusal which has been overcome.

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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 4 on windows, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

60 Boothroyd: adjoins the application 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 of the proposal would be screened by the host dwelling and set away from the shared boundary of the dwellings to the rear. The single storey rear element of the proposal features a clipped edge along the shared boundary. As a result, the proposal would not reside within the vertical 45-degree visibility splay of any windows at no.60. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

1 Burking Road: adjoins the application site to the rear.

Overlooking: The proposal would feature a rear facing window which is a continuation of the existing relationship between the dwellings and therefore no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The extensions would not intercept the private amenity space of no.1 and would be set forward of the principal elevation of the dwelling. There are side facing windows relating to no.1 but due to the proposal not increasing the height of the dwelling, the impact would not be considered significant.

It is noted that a number of openings are in the side elevation, however these are not considered to lead to significant levels of overlooking given there are existing windows in the side elevation of the host property at the ground / first floor level and they face the side of a dwelling which is approx. 18m from the boundary of the site, and sited at an oblique angle.

It is noted the proposal would reduce amenity space, however the extent to which amenity space would remain is considered to be such that the development would be acceptable in this regard.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the Kirklees

House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

It is noted in the consideration of the previous scheme a bedroom window of the host property was considered to be unacceptably impacted by the rear extension. This resubmitted scheme has suitably reconfigured the internal layout of the dwelling to satisfactorily address this issue.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide 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 proposal would intensify the use of the site; however, it would not reduce the parking provision as the garage and access to, would be retained to the rear.

The proposal would therefore comply 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

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.
It is considered that due to the nature and scale of the proposal, no further information would be required regarding carbon budget.

Contaminated Land and Coal Mining Legacy

The site is within a high-risk coal area and it is therefore considered appropriate for a condition to be added to the application relating to the unexpected discovery of contaminated land to ensure the proposal would accord with LP52 of the Kirklees local plan and the aims of the NPPF.

6 – Representations:

N/A

7 – Negotiations:

N/A

8 – 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 **Approve**

Decision Authorisation - Delegated Powers
Application Number: **2025/92551**
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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The development shall be constructed with external facing materials and colour finishes which in all respects match those used in the construction of the existing building. The development shall not be brought into use until it has been completed with the materials as approved by this condition which shall be retained thereafter.
   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 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site 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 whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policies LP52 of the Kirklees Local Plan and the NPPF.

Plans and specifications schedule:

Plan Type	Reference	Version	Date
Location Plan			15/09//2025
Existing elevations	102		15/09//2025
Grouped plans and elevations	101		15/09//2025
Proposed floor plans	103		15/09//2025
Proposed elevations	104		15/09//2025
Climate change statement			15/09//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 Authority has, 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 revisions required.