

**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:	<b>2025/62/92561/W</b>
Site Address:	3, Kingsley Avenue, Crosland Moor, Huddersfield, HD1 3SR
Description:	Erection of two storey rear extension, dormers to front and rear, hip to gable roof alteration and associated works.
Recommending Officer:	Joanna Redhall

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 26-Nov-2025**

## **The Site**

3 Kingsley Avenue is a semi-detached, two-storey dwelling situated in Crosland Moor, Huddersfield. The property features a combination of brick and render finishes, with a pitched tile roof. The dwelling is positioned on a corner plot where the front and rear elevations are highly visible within the streetscape. The front garden includes a small lawn and a paved area, while the rear also features a paved space and detached garage.

The surrounding area is predominantly residential, with similar two-storey properties. The local material palette is consistent, comprising brick, stone, and render.

## **The Proposal**

The applicant is seeking planning permission for erection of two storey rear extension, dormers to front and rear, hip to gable roof alteration and associated works.

### **Two storey rear extension**

The rear extension features a staggered projection, with the ground floor extending 4 m from the rear elevation and the first floor projecting 2.3 m. The extension does not span the full width of the rear elevation, being set in from both side elevations, and measures approximately 6.6 m in width. Both floors incorporate a lean-to roof and are finished in brick. The total height of the two-storey element is 6.1 m, slightly exceeding the eaves of the host property.

Internally, this extension serves a playroom at ground level and a bedroom and bathroom at first floor.

A pair of sliding doors are proposed to the rear elevation as well as two window openings at first floor. Rooflights are proposed to the lean-to roof above the ground floor extension.

### **Dormers to front and rear**

The front and rear dormers are of the same flat-roofed design with three openings to each.

The front dormer measures 8m in width and 1.8m in height. It is set in from the sides, down from the ridge and above the eaves. The rear dormer is

slightly larger measuring 8m in width and 2.1m in height. The dormers would serve two bedrooms and a bathroom within the attic space.

The application form states the dormers are constructed from upvc cladding with a felt roof.

### Hip to gable roof and associated alterations

As part of the proposal the roof form would be changed from a hip to gable, as well as a high-level window within the side/south east facing elevation. The detached garage to the rear of the property would also be demolished.

### History of Negotiations

No amendments have been sought in the processing of this application as it was considered significant amendments would be required to overcome the harm of the development.

### Planning History

Relevant planning history for this site is summarised as follows:-

2001/90919: Erection of two storey extension – conditional full permission

2007/92527: Erection of detached garage – conditional full permission

### Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 23<sup>rd</sup> October 2025.

No representations were received as a result of the publicity.

### Parish/ Town Council Comments

N/A.

### Consultations

No statutory consultations were requested for this application.

### Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

#### Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

#### 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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

#### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

### **1 – Principle of development:**

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

### **2 – Impact upon visual amenity**

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure

development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

### Two storey rear extension

Paragraph 5.8 of the House Extensions and Alterations SPD sets out that two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, 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; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The proposed two-storey rear extension would project 4 metres from the rear wall of the semi-detached property, set in from the sides and not spanning the full width of the rear elevation. The first floor reduces to 3 metres and has a lean-to roof above.

Given the siting of the property, the proposed two-storey rear extension would be a prominent feature and would be visible from a number of public vantage points. Its scale, height, and overall massing would be significant in relation to the existing dwelling, particularly as the roof would extend above the eaves of the host property. As a result, the extension would not appear proportionate to the original dwelling and would read as a dominant addition. The extension would not integrate well with the host property and would create an addition that appears incongruous within the context of the existing dwelling. This would be particularly noticeable when viewing the property from adjoining streets and neighbouring gardens, where the extension would clearly alter the appearance of the rear elevation.

The submitted plans indicate that the proposed extension would be set approximately 0.5 metres from the shared boundary, with eaves exceeding 3 metres in height, which does not align with the design guidance set out in the Council's SPD. The block plan shows that adequate external amenity space would be retained and that the extension would not occupy more than 50% of the total area around the original dwelling, particularly given the demolition of

the existing detached outbuilding. Nonetheless, the retention of amenity space does not address the visual impact of the development. The additional bulk and mass of the extension would be prominent and would not read as subordinate to the host property, resulting in an addition that would dominate the original dwelling and appear disproportionate in relation to its scale and character.

While the proposed extension would use brickwork to match the existing dwelling, this alone is not considered sufficient to offset the impact of its scale and form. Overall, the rear extension would appear visually dominant and disproportionate in relation to both the host property and the surrounding area. This would be contrary to the aims of LP24 (a and c), which seek to ensure that the form and scale of development respect the character of the townscape and that extensions remain subservient to the original dwelling.

### Dormers

Paragraphs 5.24, 5.25 and 5.26 relate to dormer extensions. Paragraph 5.27 sets out the following guidance for dormers:

#### *5.27 Dormer windows should:*

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane; and*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

The proposal involves the construction of two large, flat-roofed dormer extensions to the front and rear roof slopes, facilitated by hip-to-gable alterations. The dormers would have a box-shaped design and be finished in white uPVC cladding. While the proposal would provide additional internal space, it is considered the design and materials would not reflect the form or character of the existing roof. Owing to the site's prominent position, both dormers would be clearly visible from Kingsley Avenue and would appear as prominent additions to the property from both the front and rear.

Paragraph 5.26 of the House Extensions SPD advises that, when assessing the appropriateness of a front dormer, regard should be given to the character and appearance of surrounding buildings. In this instance, front dormer extensions are not a typical feature within this group of dwellings, therefore the proposed front dormer would introduce a feature that is not characteristic of the street scene. The location of the dormers would be highly visible,

resulting in an addition that does not fully respect the established character of the area.

The boxy design and scale of the dormers, which would extend across the majority of the roof plane, would appear dominant in relation to the host dwelling, contrary to the objectives of the SPD which seek for extensions to be proportionate and subservient to the original building. This impact would be particularly apparent when approaching the cul-de-sac from Yews Hill Road, where the dormers would appear prominent and somewhat top-heavy within the roofscape. The proposed white uPVC cladding would further accentuate the dormers, as it would contrast with the existing roof materials and increase their visual prominence.

Overall, the dormers would result in a development that is visually intrusive and inconsistent with the character and appearance of both the property and the wider area. This would be contrary to the aims of LP24 (a and c), which seek to ensure that the form and scale of development respect the character of the townscape and that extensions remain subservient to the original dwelling.

In conclusion, the proposed development would appear visually dominant, disproportionate, and inconsistent with the character and appearance of the host property and the wider area, contrary to the objectives of Chapter 12 of the NPPF and LP24 (a and c) of the Kirklees Local Plan.

### **3 – 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”*.
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”*.

- Principle 6 – that: “*extensions and alterations should not unduly reduce the outlook from a neighbouring property.*”

The proposal introduces additional openings to both the front and rear elevations. To the front, three new roof-slope openings would be created through the installation of dormers: two bedroom windows and one bathroom window. These openings would maintain an approximate separation distance of 25 m to properties opposite. Given this distance and the existing street context, officers consider that no significant loss of privacy would arise in this direction.

To the rear, the dormer and extensions would introduce further glazing at first- and second-floor level. The separation distance from the first-floor rear extension to the rear elevation of No. 148 Yews Hill Road would be approximately 14 m, and around 16 m to No. 150. KDP 3 of the SPD recommends minimum separation distances of:

- 12 m between habitable-room windows facing non-habitable-room windows, and
- 21 m between facing habitable-room windows.

Although the proposal would introduce additional glazing closer to the neighbouring rear elevations, the relationship between the properties is oblique. As a result, the development would not directly overlook habitable-room windows at Nos. 148 or 150. Officers therefore consider that, despite the increased level of glazing, the proposal would not give rise to harmful overlooking or loss of privacy for these occupiers.

The proposed development would have its most significant impact on the adjoining residential property at No. 5 Kingsley Avenue. The scheme includes a two-storey addition positioned approximately 0.5 m from the shared boundary. This extension would project 4 m beyond the existing rear elevation at ground-floor level and 2.3 m at first-floor level, incorporating a lean-to roof above. Due to the minimal separation from the boundary and the overall height and depth of the extension, the resulting mass along the common boundary would be substantial.

Floor plans for No. 5 indicate that the nearest opening on the affected elevation is a pair of patio doors, the only openings which serve a dining room. This room is classed as a habitable space under the Kirklees House Extensions and Alterations SPD and is therefore afforded a high level of protection in terms of outlook, light, and amenity. When assessed against the ‘45-degree rule’ as set out in the SPD, the proposed extension fails to comply. A line drawn from the centre of the dining room window towards the proposed development would be significantly obstructed by the two-storey massing. Officers also consider that the proposal would not achieve the 45-degree line when taken from the nearest first-floor window, which appears to be the sole window serving a bedroom. Permitting the extension would therefore result in an unacceptable loss of natural light and would be detrimental to the living conditions of the occupants of No. 5. In terms of overbearing impact, the overall height and depth of the extension, combined with its very close

position to the shared boundary, would appear visually dominant and oppressive when viewed from No. 5's rear habitable room and garden.

Taken together, the massing, proximity and projection of the extension would result in significant harm to the residential amenity of No. 5 Kingsley Avenue. The proposal would create an unduly overbearing relationship, contrary to the guidance in the Kirklees House Extensions and Alterations SPD and to Policy LP24 of the Kirklees Local Plan, which seek to safeguard neighbouring living conditions.

It is therefore considered that in terms of residential amenity, the proposed would be contrary to Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposal would result in a five-bedroom dwelling, therefore there is a requirement for three off-street parking spaces to be provided at the site. As the extension is located to the rear and involves the demolition of the existing garage, it is considered that the garage's size and the associated loss of rear amenity space would not lead to a significant reduction in the property's parking provision. The dwelling benefits from a generous paved area to the side and front, which could reasonably accommodate parking for three vehicles. However, detailed parking layouts were not requested, as the proposal was already deemed unacceptable on visual and residential amenity grounds.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that, in terms of access, highway safety, and parking, the proposal would have a negligible impact on overall parking provision. Consequently, the development is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide, and Chapter 9 of the National Planning Policy Framework.

#### **5 – Other matters:**

*Ecology*

Chapter 15 of the National Planning Policy Framework are 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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, 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.

### *Climate Change*

On 12<sup>th</sup> 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

### **6 – Representations:**

None received

### **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.

It is considered the proposed development, by reason of its design and scale would appear discordant, incongruous and domineering to the host dwelling. As such, the proposal would fail to accord with LP24 of the Kirklees Local Plan and Kirklees Design Principle 1 & 2 of the House Extensions and alterations SPD. In addition, due to its scale, design and location, the

proposed rear extensions would create an unacceptable overbearing relationship to the occupiers of no.5 Kingsley Avenue. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 5 & 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2025/92561

**Officer Recommendation:** Refuse

**Reasons**

1. Due to the design and scale the proposed extensions and alterations would not form subservient additions to the property and would result in an unsympathetic appearance which would be harmful to the character of the host property and the surrounding area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.
1. Due to its scale, design and location, the proposed rear extensions would create an unacceptable overbearing relationship to the occupiers of no.5 Kingsley Avenue. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 5 & 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.
2. Due to its scale and proximity to the common boundary with 5, Kingsley Avenue, the proposed rear extensions would create an unacceptable overshadowing relationship to the occupiers of no.5, and would result in the detrimental loss of natural light received to the dining room and bedroom windows. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 5 & 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plans, Elevations and Views as Existing and Proposed	2511 – 01	-	16/09/2025
Application form	-	-	16/09/2025
Climate Change Statement	-	-	16/09/2025

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 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 sought as it was considered significant amendments would be needed to overcome the harm of the development.

**Report Dated:** 24/11/2025

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