

**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:	2025/62/92848/E
Site Address:	17, Kensington Close, Staincliffe, Batley, WF17 7RL
Description:	Erection of single storey rear extension with balcony, conversion of car port into habitable accommodation and associated alterations
Recommending Officer:	Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-Dec-2025

OFFICER REPORT

Site Description

17 Kensington Close is a detached brick built dwelling with existing extensions to the side and rear. The property is elevated from the road level with a raised garden to the front, drive leading to the car port and an enclosed rear garden

The surrounding area is residential with a similar dwellings in terms of age although there are variances in terms of style.

Description of Proposal

The applicant is seeking permission for a single storey rear and formation of a balcony with internal and external alterations.

The plans include remodelling the front elevation in terms of the openings including a new front door, enclosing the car port to provide additional living space and inclusion of a gable detail on the front elevation.

The existing single storey rear extension would be increased in width by an additional 1.7m further across the rear. The balcony would be formed over the existing and proposed extension with 1.7m high walling to each side to provide screening and a 1m glazed balustrade.

The walls would be constructed using brick.

History of Negotiations/Amendments

None undertaken.

Relevant Planning History

2003/92264 – erection of single and two storey extensions – refused

2003/94132 – erection of single and two storey extensions – approved

2021/91867 – erection of dwelling to rear of 17 - refused

Representations

The application was advertised by site notice, which expired on 10/11/2025.

As a result of the above publicity, one representation has been received. The concerns raised relate to parking and highway safety with the loss of the car port.

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 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

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 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

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 & 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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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 House Extensions & Alterations SPD 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 proposal involves alterations to the front elevation, including the rearrangement of fenestration, the introduction of a gable feature, the enclosure of the existing car port to provide additional living accommodation, and refacing the principal elevation in stone. While stone is not a characteristic material within this cul-de-sac, it is present in the wider area. Given the siting of the property at the end of the row and its status as a detached dwelling, the use of stone is considered justifiable and would not appear incongruous. The host property has previously been extended with a two-storey side extension incorporating the car port, as well as a two-storey rear extension and a single-storey addition. The proposed changes would subtly update the appearance of the property, introducing a more contemporary design while remaining proportionate to the existing building.

The proposal also includes the nominal widening of the existing single-storey rear extension and alterations to its roof to facilitate the formation of a balcony above. These changes would remain subordinate to the main dwelling and would not significantly increase the overall bulk or massing of the property.

Due to the position of the dwelling at the end of the cul-de-sac and the limited visibility of the rear elevation from the wider public realm, the impact on visual amenity would be minimal. The design is considered proportionate and in keeping with the character of the host property, and the alterations would not result in harm to the appearance of the street scene.

Having taken the above into account, the proposals 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, 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:

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 Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties directly to the front or rear which could be affected by the works proposed.

Impact on 15 Kensington Close

The changes proposed to the front of the dwelling would have no impact on the adjacent property. The alteration of the roof over the existing rear extension to form a balcony includes screening and is sufficiently separated from the adjacent property to avoid any overshadowing, overbearing or overlooking.

With regards to the impact on the adjacent 15 Kensington Close, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Impact on 19a & 19b Upper Croft Road

The neighbouring properties to the north have their rear elevations facing the side elevation of the host property with a separation of some 14m. The proposals would not reduce this space. There are no windows proposed which could overlook the neighbouring dwellings. The balcony proposed includes screening which would prevent overlooking towards the neighbouring

properties to the north and the increase in width is limited and would not result in any overshadowing or overbearing.

With regards to the impact on the neighbouring 19a & 19b Upper Croft Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The proposal would result in the removal of the existing car port; however, the submitted plans confirm that two off-street parking spaces would be retained within the site, which helps to mitigate any potential impact on highway safety. It is acknowledged that, in accordance with local parking standards, a dwelling with more than three bedrooms would normally require at least three spaces. In this case, the increase in accommodation is modest and achieved through internal reconfiguration rather than external enlargement. As such, the shortfall in parking provision is considered unlikely to give rise to significant harm to highway safety or the efficient operation of the local road network. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme 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 & Alterations SPD.

Other matters:

Carbon Budget

The proposal is a small scale 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.

There are no other matters for consideration.

Representations:

One representation has been received in response to site publicity. The concerns raised relate to parking and highway safety with the loss of the car

port. **Response:** *Although the proposal includes the removal of the existing car port, the plans clearly demonstrate that two off-street parking spaces would be retained, which helps to mitigate any potential impact on highway safety. It is acknowledged that, under local standards, a property with more than three bedrooms would normally require at least three parking spaces. However, the increase in accommodation is modest, achieved through internal reconfiguration rather than external enlargement, and therefore the shortfall is considered unlikely to result in significant harm.*

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.

The front wall shall be finished in natural stone and the side and rear walls shall be constructed using matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to make alterations to the front elevation, convert the car port, enlarge the rear extension and form a balcony at 17 Kensington Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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: 2024/90000

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 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The front wall shall be constructed using nature stone and the external walls and roofing materials of the side and rear walls of the rear extension hereby approved shall in all respects match those used in the construction of the existing building.

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

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

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

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	EX01	1109358	10/10/2025
Existing floor plans	EX02	1109361	10/10/2025
Existing elevations	EX03	1109360	10/10/2025
Proposed site plan	PL01	1109359	10/10/2025
Proposed floor plans	PL02	1109364	10/10/2025
Proposed elevations	PL03	1109363	10/10/2025
Climate change statement	-	1109362	10/10/2025

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated

02/12/2025