

**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:	2025/62/93078/E
Site Address:	14, Millwater Avenue, Thornhill Lees, Dewsbury, WF12 9QN
Description:	Erection of two storey side and rear extension
Recommending Officer:	Jennifer Booth

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: 20-Feb-2026

OFFICER REPORT

Site Description

14 Millwater Avenue is a detached brick and render dwelling with an open garden and drive to the front and an enclosed garden to the rear. Historic aerial imagery indicates that the rear of the site was previously occupied by at least one large tree with a substantial crown spread extending close to the rear elevation of the dwelling, and records confirm that trees in this area were subject to a Tree Preservation Order. However, during the site visit no trees were present within the application site or on the adjoining land. A review of the planning history reveals no applications or consents for the removal of the protected trees, and the circumstances surrounding their loss therefore remain unclear.

The surrounding area is residential with properties of similar in terms of age although there are variances in terms of design.

Description of Proposal

The applicant is seeking permission to erect a first floor side extension and a single & two storey rear extension.

The first floor side extension would be erected over the existing single storey side element with a projection of 2.6m and extending the full depth of the dwelling with a pitched roof form.

The rear extension would project 4m with the ground floor extending across the full width of the property including to the rear of the side element and the first floor extending across the rear of the main house. The roof over the ground floor would be lean to with a perpendicular roof at first floor.

The walls would be constructed using brick with tiles for the roof covering.

Relevant Planning History

None

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration.

No tree information has been provided with the submission and the agent has been made aware that the unauthorised removal of protected trees will impact the decision.

Representations

The application was advertised by site notice, which expired on 15/12/2025

As a result of the above publicity, no representations have been received.

Consultation Responses

K.C. Trees – informal discussions that confirm the application should have been submitted with appropriate tree information in the form of reports and plans showing the works could be carried out without jeopardising the protected trees. Enforcement action is now being actively pursued. With the historic information available, it is clear that the proposed extensions would have been constructed within the crown spread of protected trees which would threaten the longevity of the trees thereby failing to comply with policy.

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 27** - Flood risk

- **LP 30** – Biodiversity
- **LP 33** – Trees

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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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
- Chapter 15 – Conserving and enhancing the natural environment

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 under consideration consists of two distinct elements which shall be addressed below.

First floor side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The proposed first-floor side extension is considered acceptable in terms of scale, remaining proportionate to the main dwelling and respecting its overall form. The use of matching materials will ensure the extension integrates appropriately with the host property. While the street comprises dwellings of varied original design, several of which have been extended or altered, the proposal would not appear out of character within this context and would not result in harm to the visual amenity of the area.

Single & two storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The proposed single- and two-storey rear extensions are considered to be of an acceptable scale in principle, given the detached nature of the property and the generous size of the curtilage. The use of matching materials and appropriate fenestration would ensure the additions form a coherent and sympathetic relationship with the host dwelling. However, the works fall within the crown spread of protected trees, and the development has the potential to result in the loss of a tree subject to a Tree Preservation Order. Such a loss would cause harm to the established leafy character of the area and therefore weighs against the proposal in visual amenity terms.

Although the trees that previously occupied the rear of the site appear to have been removed without consent, they were protected by a Tree Preservation Order. As such, the proposal must be assessed on the basis that the protected trees remain in situ. When considered in this context, the

extensions would fall within the former crown spread and root protection area, and the development would therefore pose a significant risk to the health and retention of the protected trees. Their loss would be detrimental to the established verdant character of the area and weighs substantially against the proposal in visual amenity terms.

Having taken the above into account, the proposals would broadly be acceptable in terms of scale and appearance. However, the siting, close to protected trees could result in their loss which would be harmful to the leafy and green character of the area. Therefore the proposals fail to comply with Policy LP24 and LP33 of the Kirklees Local Plan, 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.

Impact on 12 Millwater Avenue

The adjacent neighbour to the east occupies a position which goes further back within the plot than the host property. Given the spatial relationship, the first floor extension would result in no overshadowing or overbearing. The 2m separation between the dwellings limits the potential for the single storey element to the rear from having an overbearing or oppressive impact and the first floor would be set a further 2.6m also limiting the potential for overshadowing or overbearing. The windows proposed would look into the applicants own amenity space with no significant potential for overlooking.

With regards to the impact on the adjacent 12 Millwater Avenue, 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 16 Millwater Avenue

The adjacent property to the west has their own two storey rear extension which would mitigate any potential for overbearing or overshadowing. The windows proposed would look into the applicants own amenity space with limited potential to overlook the adjacent neighbour.

With regards to the impact on the adjacent 16 Millwater Avenue, 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 9 Old Mill View

The neighbouring property to the rear occupies a position some 21m from the site. Given the separation distance, the works proposed would result in no overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 9 Millwater Avenue, 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 proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision.

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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

Protected Trees

The mature trees that once occupied the rear of the site formed a key component of the established landscape structure running throughout the wider development, providing essential visual relief and contributing meaningfully to its verdant and cohesive character. Their presence was integral to the visual amenity of the area, and their loss—particularly given their protection under a Tree Preservation Order—is of significant concern. In accordance with Policy LP33 of the Kirklees Local Plan, which affords strong protection to trees that contribute to visual amenity and requires their retention wherever possible, the importance of these trees to the wider development must be given substantial weight. The proposal is therefore assessed on the basis that the protected trees remain in situ, and any development that would threaten their retention conflicts with the expectations of LP33.

Flood Risk

The application site is identified within Flood Zone 3a & 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 14 Millwater Avenue 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.

The applicant has failed to demonstrate that the proposed rear extension could be constructed without harming the root protection areas of the adjacent protected trees. Given the proximity of the site for the rear extension to protected trees, within and adjacent to the grounds of 14 Millwater Avenue, the proposed extension would likely to be built over the root protection area and would be within the crown spread. The proposals would, therefore, be highly likely to lead to damage to the protected trees which would negatively impact the green and leafy character of Millwater Avenue. Their potential loss, therefore, would not be considered to be acceptable in terms of policies LP24 & LP33 Kirklees Local Plan and Chapters 12 & 15 of the National Planning Policy Framework.

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. For the reasons set out above 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: 2025/93078

Officer Recommendation: Refuse

Reasons for refusal

1. The applicant has failed to demonstrate that the proposed rear extension could be constructed without harming the root protection areas of the adjacent protected trees. Given the proximity of the site for the rear extension to protected trees, within and adjacent to the grounds of 14 Millwater Avenue, the proposed extension would likely to be built over the root protection area and would be within the crown spread. The proposals would, therefore, be highly likely to lead to damage to the protected trees which would negatively impact the green and leafy character of Millwater Avenue. Their potential loss, therefore, would not be considered to be acceptable in terms of policies LP24 & LP33 Kirklees Local Plan and Chapters 12 & 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & existing plans	-	1113352	12/11/2025
Existing elevations	-	1113354	12/11/2025
Proposed elevations front & rear	-	1113355	12/11/2025
Proposed elevations side	-	1113357	12/11/2025
Proposed elevations side	-	1113356	12/11/2025
Proposed floor plans	-	1113353	12/11/2025
Flood risk assessment	-	1113769	12/11/2025
Climate change statement	-	1113358	12/11/2025

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 tree information has been provided with the submission and the agent has been made aware that the unauthorised removal of protected trees will impact the decision.

Report Dated 19/02/2026

