

**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:	2025/62/93183/E
Site Address:	41, Water Royd Crescent, Mirfield, WF14 9SY
Description:	Erection of two storey side 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.

John Holmes

AUTHORISED OFFICER

Date: 14-Jan-2026

Officer Report

[Weblink](#)

Site Description

41 Water Royd Crescent is a brick built, semi-detached dwelling located on the corner of Water Royd Crescent and Holmdene Drive. The property has gardens to the front, side and rear with a car port attached to the side

The surrounding area is residential with properties which are similar in terms of age and style.

Description of Proposal

The application is for the erection of a two storey side extension.

The proposed extension would lie flush with the front and rear elevations of the property replacing the existing garage.

The extension would project to the side by 5.5 meters and would have an eaves height and overall height to match the existing property.

The proposed extension would be built from materials to match the host property using red brick for the walls with a grey tiled roof.

The application form details the internal reconfiguration of the existing property.

History of negotiations/amendments received

No negotiations have taken place with the applicant as it is considered amendments required to consider the application acceptable would be significant.

Relevant Planning History

None

Representations

We are currently undertaking the legal statutory publicity requirements, as set out in the Kirklees Development Management Charter. As such, we have publicised this application by site notice.

Final publicity date expired 22nd December 2025. No comments have been received.

Mirfield Town Council – no comments have been received.

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 without notation on the Kirklees Local Plan. The site is in an area at higher risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety
- LP 22 - Parking
- LP 24 – Design

Supplementary Planning Documents (SPD):

- Highways Design Guide SPD
- House Extensions and Alterations SPD

Kirklees Council has adopted supplementary planning guidance on house extensions which 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, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of two storey side extensions the SPD details on page 29 and cites the potential impact they could significantly have on the character of the original house and the street. It goes on to state that adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

Section 5.20 states two-storey 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;
- and be set back at least 500mm from the front wall of the house.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

In addition, the property is located within a corner plot and therefore under subparagraph 5.23 should be considered as being both a side and front extension and as such the relationship to both street frontages should be considered. Therefore, both elevations should be designed as street frontages and should contribute to the local character by:

- facing in both directions to create two frontages, each with windows overlooking the street;
- being set back from the existing building line on both streets; and
- following the boundary treatment along both streets, in relation to its position, height and materials

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

It is proposed that a two-storey extension would be located on the side elevation of the property. The design of the extension is such that the width of the extension would almost double the width of the property with the extension not being set down from the roof ridge or set back from the front elevation of the existing dwelling. Therefore, the works would not be viewed as subservient to the property as required by Policy LP24 of the Kirklees Local Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

The SPD requires that two storey extensions should not take up all or most of the space to the side of a property. The submitted block plan (ref: TQRQM25318173949762) demonstrates that a gap of approximately 1.5 metres would be retained at the closest point from the boundary. There is a spaciousness within the street scene in this part of the street resulting from the area to the side which is open amenity space. The proposal would take up a large proportion of this area.

The property is located within a corner plot and the SPD is clear in that extensions should be set in from established building lines and create a frontage. In this instance, the side elevation of the two storey extensions hosts no features of interests and would be a stark gable end in a prominent location which would not contribute to the street scene and does not have any openings that would create a frontage.

Alongside this, within sub-paragraph 5.23 the extension should be set back from the building line on both streets. Due to the design of the extension, this could not be achieved and would therefore be contrary to this section of the SPD. It is important to note that due to the existing layout of the property within the street scene, the building line to the north is already interrupted but would be exacerbated further by the presence of the extension.

It is therefore considered that the proposed extension would fail the acceptable parameters for two storey side extensions and extensions within corner plots as set out within paragraphs 5.19, 5.20 and 5.23 of the House Extensions and Alterations SPD, contrary to Key Design Principles 1 and 2 SPD, Kirklees Local Plan Policy LP24 (a and c) and policies contained within Chapter 12 of the National Planning Portal Framework.

The proposal would not, by virtue of its design, size, scale and massing be subservient in such a prominent location within the street scheme and would not be in keeping with the character of the immediate street scape. Refusal of

planning permission on the grounds of the visual impact of the proposal is therefore recommended.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of outdoor space is retained.

There would be a loss of amenity space as a result of the development, and this is demonstrated on the proposed block plan. It should be noted however that there appears to be adequate amenity space retained to the rear of the property. It is therefore considered that the loss of the amenity space to the side of the property would not be so harmful that it would for a reason for refusal and the proposal is concluded acceptable in this case, having regard to Principle 7 of the SPD in relation to outdoor space.

In terms of overlooking, there are proposed openings within the proposed front and rear elevations of the extension which include both habitable and non-habitable openings. Due to the layout of the site with surrounding properties and that the front and rear openings would not decrease established separation distances and is therefore acceptable.

Key Design Principle 3 which relates to privacy states that no less than 12 metres is recommended between windows of habitable rooms onto windows of non-habitable rooms. In this instance a separation distance of 12 metres would be achieved from the 2 storey extension openings.

With regard to overshadowing and being overbearing, it is considered that the due to the location of the extension, being sufficiently separated from neighbouring properties, it is not considered that there would be unreasonable harm created by the presence of the extension.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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 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.

In this case the existing garage would be removed. However, the plans demonstrate that an integral garage would be created within the ground floor of the extension. In addition, the application form states that the small grassed area in front of the new garage will be tarmac to match the current driveway. The internal dimensions of the proposed garage indicate that a parking space can be achieved. The floor plans indicate that as a result of the extension, the property would have 4 no. bedrooms. The SPD states that properties with 4 + bedrooms require 3 off-street parking spaces.

In this case, 1 no. parking space can be provided within the garage area. The photographs from the site visit demonstrate that the area to the front of the property has been finished with tarmac and appears to be adequate to park 2 no. further vehicles.

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.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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.

A Climate Change Statement has been submitted with the application which details specific measures that will be incorporated into the works. The details are considered satisfactory in relation to the development proposed.

Coal Legacy - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

Based on the conclusions within the visual amenity section of this report, it is not considered that the proposed development would accord with Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD as well as paragraph 135 of the National Planning Policy Framework. As a consequence, the proposal does not accord with Policies LP1, LP2 or LP24 of the Kirklees Local Plan and the principle of development is therefore unacceptable in this case.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2025/93183

Officer Recommendation: Refuse

1. By virtue of its design, size, scale and massing, in such a prominent location, the development would not be subservient in relation to the host property and would not be in keeping with the character of the host building and immediate vicinity contrary to Policies LP1, LP2 and LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 & 2 and paragraphs 5.19, 5.20 and 5.23 of the Council's adopted House Extensions and Alterations SPD, and paragraph 135 of Chapter 12 of the National Planning Portal Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-14491228v1		21 st November 2025
Proposed block plan	TQRQM2531817949762		21 st November 2025

Plan Type	Reference	Version	Date Received
Proposed ground floor plan	PP-14491228		21 st November 2025
Proposed first floor plan	PP-14491228		21 st November 2025
Proposed south facing front elevation	PP-14491228		21 st November 2025
Proposed north facing rear elevation	PP-14491228		21 st November 2025
Proposed east facing side elevation	PP-14491228		21 st November 2025
Rear view photograph			21 st November 2025
Front view photograph	1		21 st November 2025
Front view photograph	2		21 st November 2025
Side view photograph			21 st November 2025
Climate Change Statement	Appendix A		21 st November 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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated:

14th January 2026

Coal – high