

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	<b>2025/70/93296/E</b>
Site Address:	101, Shillbank Lane, Mirfield, WF14 0QP
Description:	Variation of conditions 2 (plans) and 3 (materials) on previous permission 2025/90546 for erection of two storey 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: 23-Jan-2026

## **OFFICER REPORT**

### **Site Description**

101, Shillbank Lane is a two-storey end terrace dwelling with an irregular finished in stone and the roof is finished in tiles. The property benefits from amenity space to the rear. The dwellings that form the street scene are similar in appearance, scale and material palette.

The area is predominantly residential, and the street scene encompasses several dwellings of similar character size, design and scale.

### **Description of Proposal**

Planning permission was granted earlier this year for a two storey extension. The applicant is seeking to vary conditions 2 (plans) & 3 (materials) from the permission 2025/90546.

The change includes increasing the projection of the extension from the approved of 3.9m to 6.3m. The front wall would remain stone however the side walls would be constructed using brick.

### **Relevant Planning History**

2025/90546 – erection of two storey rear extension – approved

2024/93306 – certificate of lawfulness for two storey rear extension – refused

2006/90603 – erection of single storey extension – refused

2005/94900 – erection of two storey extension - refused

### **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. The changes proposed would by reason of the increase in size appear incongruous and the relationship with the windows of the adjoining property would suffer overbearing and overshadowing. Amended plans have not been sought.

### **Representations**

The application was advertised by site notice, which expired on 26/12/2025

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

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

### **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 29<sup>th</sup> 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.

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

### **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 6<sup>th</sup> 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

### **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.

Planning permission was granted last year for an extension. The variation of conditions 2 & 3 seeks to alter the materials and increase the footprint of the extension. The impacts shall be considered below.

#### 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 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 seeks permission for a two-storey rear extension. While it is acknowledged that an extension was approved at the site under a previous permission, the current scheme introduces a significantly larger footprint and depth, resulting in a disproportionate addition to the host dwelling. The property is an unusually shaped end-terrace with an obliquely angled rear boundary and garden, which further exacerbates the visual impact of the increased projection. Although the use of stone on the principal elevation, with brick to the remaining walls, is considered broadly acceptable in terms of materials, the overall scale, massing and projection of the extension would appear incongruous when viewed in the context of the host property and surrounding built form. As such, the proposal would cause harm to the visual amenity of the dwelling and the wider area and is considered unacceptable.

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.

#### *Impact on 103 Shillbank Lane*

Whilst it is acknowledged that planning permission was previously granted for a rear extension at the property, that approval related to a modest projection, only marginally exceeding the depth of the neighbouring property's existing extension and considered acceptable in the specific context of the site. In contrast, the current proposal seeks to almost double the projection beyond that previously approved. Given the very unusual relationship and oblique alignment between the adjoining properties, this increased depth would materially intensify the perceived scale and bulk of the development. As a result, the proposal would result in an unacceptable overbearing impact and would give rise to overshadowing of the neighbouring property and its amenity space, particularly during the late afternoon. Whilst the positioning of the proposed windows is such that there would be no significant loss of privacy, this does not outweigh the overall harm arising from the excessive projection

and massing. The cumulative impact of the scale, depth and siting of the extension is therefore considered unacceptable and would be detrimental to residential and visual amenity.

With regards to the impact on the adjoining 103 Shillbank Lane, 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 unacceptable.

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 proposals are the same as the previously approved scheme which included 1 additional bedroom. 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:

None

#### Proposed conditions

None as the recommendation is for refusal.

#### Conclusion:

This application to vary conditions 2 (plans) and 3 (materials) on previous permission 2025/90546 for erection of two storey rear extension for 101 Shillbank Lane 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 proposed two-storey rear extension, by reason of its excessive depth, increased footprint and overall scale, would represent a disproportionate addition to the host dwelling. The current proposal would, when viewed in conjunction with the property's unusual oblique alignment and angled rear boundary, appear overly dominant and visually incongruous. The development would fail to respect the form and proportions of the existing dwelling and surrounding built form, resulting in harm to the visual amenity of the property and the wider 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 Chapter 12 of the National Planning Policy Framework.

The proposed rear extension, by reason of the significantly increased projection and massing of the proposed extension, together with the unusually close and angled relationship with the neighbouring property, the development would result in an unacceptable overbearing impact and loss of outlook to the adjoining dwelling. The proposal would also lead to undue overshadowing of the neighbouring property and its rear garden, particularly during the late afternoon. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and Chapter 12 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:** 2025/93296

**Officer Recommendation:** Refuse

### Reasons for refusal

1. The proposed two-storey rear extension, by reason of its excessive depth, increased footprint and overall mass and scale, would represent a disproportionate addition to the host dwelling. The development would, when viewed in conjunction with the property's unusual oblique alignment and angled rear boundary, appear overly dominant and visually incongruous. The development would fail to respect the form and proportions of the existing dwelling and surrounding built form, resulting in harm to the visual amenity of the property and the wider 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 Chapter 12 of the National Planning Policy Framework.
2. The proposed rear extension, by reason of the significantly increased projection and massing of the proposed extension, together with the close and angled relationship with the neighbouring property, the development would result in an unacceptable overbearing impact and loss of outlook to the adjoining dwelling. The proposal would also lead to undue overshadowing of the neighbouring property and its rear garden, particularly during the late afternoon. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing plans	MH01-04-PL01	1116171	28/11/2025
Proposed plans	MH01-04-PL02a	1116170	28/11/2025

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.

The changes proposed would by reason of the increase in size appear incongruous and the relationship with the windows of the adjoining property would suffer overbearing and overshadowing. Amended plans have not been sought.

**Report Dated** 21/01/2026