

# **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>2025/62/93551/E</b>                                       |
| Site Address:         | 17, Warren Street, Savile Town, Dewsbury, WF12 9LU           |
| Description:          | Erection of rear extensions including 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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 22-Jun-2026**

## **OFFICER REPORT**

### **Site Description**

17 Warren Street is a stone built, mid terraced property with a small garden to the front and rear.

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

### **Description of Proposal**

The applicant is seeking permission to erect a single & two storey rear extension.

The extension is proposed to project 2.8m along the shared boundary with the adjoining 15 Warren Street, stepping out to 4m on the ground floor across the full width of the dwelling, reducing to 3.3m at first floor across 4.2m. The roof over the first floor extension would be hipped and the roof over the single storey element would be lean to.

The walls would be constructed using stone 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.

Amended plans were sought and received which reduced the projection and which removed the first floor balcony element. The amended plans indicate the 45 degree relationship an neighbouring property. Reductions were requested in terms of the impact on the adjoining 15 Warren Street and the balcony element was removed and the ground floor set back.

As the alterations reduced the scheme, the amended plans have not been advertised.

Whilst reference to the balcony has been removed from the description, the description as publicised was considered to adequately alert the public to the nature of the development. Further publicity of the description was not, therefore, considered to be necessary.

## **Representations**

The application was advertised by site notice, which expired on 09/02/2026

As a result of the above publicity, one representation has been received. The material planning matters raised are summarised as follows:

- Overbearing and enclosed form of development when viewed from rear windows
- Overshadowing and impact as a result of loss of daylight / sunlight to habitable rooms
- Overdevelopment of the plot by utilising the majority of the garden space

## **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
- **LP 53** - Contaminated land

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.

### **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
- 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.

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.

In terms of visual amenity, it is acknowledged that the existing rear amenity space is relatively limited in size, and the proposed single- and two-storey rear extension would occupy a substantial proportion of this area. However, the property is located within a highly urbanised setting where large rear extensions are a common characteristic of the surrounding built form. Taking this context into account, and subject to the use of appropriate external materials to ensure a satisfactory appearance, the proposed development is, on balance, considered to be acceptable with regard to visual amenity.

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 rear which could be affected by the works proposed.

#### *Impact on 15 Warren Street*

The proposed extension is not considered to result in an unacceptable impact on the residential amenity of the adjoining neighbour to the west. Whilst the development would project up to 4.1m at ground floor level, reducing to 3.3m at first floor, the plans have been amended to remove the initially proposed

balcony so that the first floor is inset from the shared boundary by 1.5m and the ground floor has been reduced for the same area to a projection of 2.8m. It is noted that this neighbour has already constructed a substantial rear extension measuring approximately 4.9m in depth, set off the shared boundary and that there is a ground floor window in the original house and on the side elevation of the neighbour's extension which will be impacted to a degree.

However, it is concluded that the amended scheme has sought to reduce the development proposal in terms of size / scale in proximity to no.15 which reduces the perceived sense of enclosure and overbearing impact. It is noted the extent of the single storey element in proximity of this property has a projection which could be undertaken through utilisation of pd rights. Notwithstanding this point it is considered that the extent of the impact of the proposal, having regard to existing developments undertaken at no.15 and the extent of amendments set out in the submitted plans, is such that it is concluded the proposal would be acceptable in this case.

The openings in the extension face the applicants own amenity space. Given the relative positions together with the scale of existing development, the proposal is considered to maintain an acceptable standard of outlook and light and would not give rise to material harm to neighbouring residential amenity in accordance with relevant planning policies.

With regards to the impact on the adjoining 15 Warren Street, 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 19 Warren Street*

The proposed extension is not considered to give rise to an unacceptable impact on the residential amenity of the adjoining neighbour to the east. Whilst this neighbouring property does not benefit from any existing extensions, the proposal has been designed to minimise harm, projecting 4m at ground floor level and stepping back to 3.3m at first floor. This reduction in depth at first floor assists in lessening any potential overbearing or overshadowing effects when viewed from the neighbouring property. Moreover, the only first floor window positioned closest to the shared boundary would serve a bathroom, which is typically obscurely glazed and non-opening or top-hung, thereby preventing opportunities for overlooking. On this basis, it is considered that the proposal would not result in any material loss of privacy, light, or outlook, and would maintain an acceptable level of residential amenity for the adjoining occupier.

#### *Impact upon future occupiers*

The proposal would reduce the extent of usable amenity space, although some would remain including to both the front and rear. It is considered that given the extent of remaining amenity space and fact some of this would be of a more private location to the rear, refusal on grounds of overdevelopment / impact to future occupiers could not be substantiated in this case.

#### *Properties to rear*

Properties to the rear of the site (114 – 118 Saville Road) are at an oblique angle and at a distance of 17m at their closest point. The distance is such that there is not considered to be unacceptable levels of overshadowing or an unduly oppressive impact arising. In terms of the impact from overlooking, given the oblique angle / relationship between these properties it is considered no significant level of overlooking would arise, having regard to the existing arrangement of properties in this locality.

With regards to the impact on the adjoining 19 Warren Street, 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 terms of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

#### Impact on highway safety:

The application site does not benefit from any off-street parking provision, and it is acknowledged that on-street parking in the surrounding area is highly sought. However, the proposed development would not increase the number of bedrooms within the dwelling, with the works instead comprising enhanced ground-floor living accommodation and the enlargement of an existing bedroom. As such, the level of demand for on-street parking is not expected to materially increase, and the existing situation would remain broadly unchanged. Bin storage would continue to be accommodated in its current location at the front of the property within the curtilage of the site. 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:

##### *Contaminated Land*

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

##### *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. The material planning matters raised are summarised as follows:

- Overbearing and enclosed form of development when viewed from rear windows

**Response** – *In terms of the impact on the adjoining no. 15. Amendments, including removal of the balcony, a 1.5m first-floor setback, and reduction of the ground-floor projection to 2.8m, lessen impacts. While some neighbouring windows may be affected, the changes reduce the sense of enclosure or overbearing effect. And with regards to the adjoining no. 19 Although the property has no existing extensions, the design limits impact by projecting 4m at ground floor and stepping back to 3.3m at first floor, reducing overbearing and overshadowing effects. The nearest first-floor window would serve a bathroom and be obscurely glazed, preventing overlooking. Overall, no significant loss of privacy, light, or outlook is considered to arise in this case given the revisions to the scheme.*

- Overshadowing and impact as a result of loss of daylight / sunlight to habitable rooms

**Response** *For No. 15, the amended design—including removal of the balcony, a 1.5m first-floor setback, and reduction of the ground-floor projection to 2.8m—serves to limit overshadowing. While there may be some impact on neighbouring windows, the revisions reduce the degree of light loss and soften the overall effect.*

*For No. 19, overshadowing is mitigated through the stepped design, with a 4m ground-floor projection reducing to 3.3m at first floor. This approach lessens potential loss of daylight and sunlight to the neighbouring property. Overall, the proposal is not considered to result in significant overshadowing impacts.*

- Overdevelopment of the plot by utilising the majority of the garden space

**Response** *The impact of the proposal in terms of overdevelopment is not considered to be to such a degree that refusal on such grounds could be substantiated taking account of the prevailing character of the locality and existing amenity space provision which would remain.*

### 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.

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 erect a single & two storey rear extension with concealed balcony at 17 Warren Street 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 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:** 2025/93551

**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 external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

**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 & site plan     | AR-01-01  | 1139512 | 05/05/2026    |
| Proposed plans           | AR-03-02  | 1143977 | 15/06/2026    |
| Climate change statement | -         | 1120487 | 07/01/2026    |

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. Amended plans were submitted to address concerns in relation to impact upon neighbouring occupiers.

