

**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>2025/62/93554/W</b>                            |
| Site Address:         | 5, Tom Lane, Crosland Moor, Huddersfield, HD4 5PU |
| Description:          | Erection of rear extension                        |
| Recommending Officer: | Joanna Rednall                                    |

**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: 05-Mar-2026**

## **The Site**

5 Tom Lane, Crosland Moor is a stone fronted mid- terraced property with a blue slate roof. The property benefits from a single storey rear extension projecting 3.5m almost the full width of the rear elevation. The topography of the area results in the garden being at a slightly lower level with steps down from the extension in to then a relatively flat long narrow garden. The property is located within a residential area, which is predominantly terraced properties with no off-street parking.

## **The Proposal**

The applicant is seeking planning permission for erection of rear extension.

At ground floor level, the proposed extension would project 3.6 m from the rear elevation and span 5.7 m in width. The first-floor element would project 3 m from the rear elevation, matching the 5.7 m width. A lean-to roof is proposed above the smaller ground-floor projection, measuring 3.1 m to the ridge, while the two-storey section would be topped with a hipped roof measuring 5.6 m to the eaves and 7.6 m to the ridge.

Internally, the extension would provide a living space at ground-floor level, with a bedroom and bathroom accommodated at first floor. The number of bedrooms would not change as a result of the proposal.

The rear elevation would include two windows and a door at ground level, with two additional windows at first floor. One rooflight is proposed on the rear slope of the host dwelling's roof.

The extension would be finished in stone to match the existing property, with a grey tiled roof and uPVC windows and doors.

## **History of Negotiations**

Concerns were raised with the applicant's agent regarding the extensions impact upon neighbouring windows. No amended plans were submitted.

## **Planning History**

Relevant planning history for this site is summarised as follows:-

2013/94013: Prior notification for single storey rear extension – Not required

2020/94414: Erection of extensions – Refused

The reasons for refusal are as follows:

1. The proposed development, by reason of its siting, scale and proximity to neighbouring property would result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining dwelling No 3 Tom Lane. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
2. The proposed development, would result in harm to highway safety by increasing the number of bedrooms without the ability to create off street parking to serve the dwelling. This would lead to further on-street parking where spaces can be oversubscribed. To permit the development would be contrary to policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework paragraph 109.

#### 2021/92389: Erection of extensions – Conditional full permission

The scheme the subject of application 2021/92389 reduced down the quantum of development from that the subject of the previously refused scheme (application ref: 2020/94414).

The scheme the subject of this application (ref: 2025/93554) sees a development proposal which is of a similar size and scale although does not demonstrate any additional works to create rooms in the roof space.

This report will therefore consider whether the proposal has overcome the previous reasons for refusal set out in 2020/94414.

#### **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 19/02/2026

One letter (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

#### **Letters of objection**

- Lack of access to the property, as the only way of getting to the back of the house is through the front door
- Use of crane lift to deliver materials of construction
- Health and Safety implications of using such an approach to deliver materials
- It will be necessary to have skips etc. to dispose of any excess rubble and waste. This will in turn influence the available parking spaces. Use

of a crane for deliveries will also impact in relation to access and highway safety during construction.

### **Parish/ Town Council Comments**

N/A.

### **Consultations**

None

### **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

#### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

#### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12<sup>th</sup> December 2024, 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<sup>th</sup> 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. Considered to be of relevance to

the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

### Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Kirklees Highway Design Guide (November 2019)

Holme Valley Neighbourhood Development Plan

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon visual amenity
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact upon visual amenity**

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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

Section 5.8 of the SPD relates to two storey rear extensions:

5.8 Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour’s boundary.

The proposed extension would remain proportionate to the scale of the original dwelling and its garden. Its rear projection would appear subordinate to the host property, and the reduced ridge height would ensure the addition does not appear obtrusive when viewed from the rear. A substantial proportion of the rear amenity space would be retained, maintaining a balanced relationship between the dwelling and its garden and ensuring the development does not overwhelm the plot. The proposal would also not exceed 50% of the total area of land around the original house.

Although the ground-floor element would exceed the recommended 3 m projection by 1 m, the first-floor addition is set back to comply with the 3 m guideline. When viewed from the side, the overall form would not appear unbalanced or overly dominant, and the lowered ridge line ensures the extension remains clearly subservient to the host dwelling. As the extension is positioned to the rear of the property, with only limited visibility from public vantage points, its impact on the street scene and wider local character would be limited.

The rear extension as amended has been designed with materials to match the host property and repeating the hipped roof to the rear. Therefore, the design and materials are considered to be acceptable in principle in this case.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

### **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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*

- Principle 5 – that: “*extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property*”.
- Principle 6 – that: “*extensions and alterations should not unduly reduce the outlook from a neighbouring property.*”

In terms of overlooking, it is considered the proposed rear extension would not create any undue overlooking as there are no windows in the side elevations with windows within the rear elevation only. Therefore, the design of the extension is considered not to have any overlooking issues with neighbouring properties.

In terms of being overshadowing and or overbearing, the properties rear elevation faces due south along with its neighbours either side.

The existing ground floor extension projects approximately 3.6m, with the proposed first-floor extension projecting 3m. The neighbouring property to the west is set at a slightly higher land level. Whilst the proposal would result in some reduction of early morning sunlight to rear windows at this property, this impact is considered to be marginal.

In relation to the neighbouring property to the east, No. 3, the proposal would result in a loss of late afternoon and evening sunlight. The applicant’s agent has confirmed the first floor window closest to the proposed extension serves a bathroom, therefore the proposal is not considered to lead to a harmful loss of light to the habitable windows. The submitted floor plans illustrate the ground floor projection would achieve a 45 degree line taken from the corner of the extension.

However, in terms of overbearing/oppressive impacts, owing to the site levels, No. 5 sits at a slightly higher level, and its existing rear extension is already elevated, with steps providing access down to the garden. Although No. 3 benefits from a small single-storey rear extension, it also has a relatively limited rear garden area. Given the difference in levels and the cumulative height and projection of the existing and proposed extensions, the development would appear overbearing and oppressive when viewed from No. 3. This relationship would result in a detrimental impact on the residential amenity of the occupiers, particularly having regard to their modest private amenity space.

A previous permission was granted for a two-storey rear extension at the site (ref: 2021/92389). Under that scheme, the element closest to the shared boundary projected only 1 m at first-floor level, with the 3 m first-floor projection positioned approximately 2.6 m away from the boundary. This separation was considered acceptable as it reduced the impact on neighbouring amenity. However, the first-floor extension now proposed under application 2025/93554 would be positioned significantly closer to the common boundary and would introduce a materially greater sense of enclosure. Officers consider that this would result in an oppressive and overbearing impact on the occupants of No. 3.

In conclusion, taking the above into account, it is considered that the proposal would result in an unacceptable impact on the residential amenity of the occupants of No. 3. The development is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the adopted House Extensions and Alterations SPD, and the guidance set out in Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The development would not result in any change to the number of bedrooms and, as such, would not increase the demand for parking. The site does not currently benefit from off-street parking, and the proposal would not alter or intensify this existing arrangement. The proposal is therefore considered to have overcome reason 2 for the previous 2020 refusal on site.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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.

The impact of the development during the construction phase, and potential impacts to the highway as a result of construction workers parking / siting of skips upon the road is not considered to be of such an extent that the LPA could justify refusal in this case. The construction phase would not be likely to last a significant period and the resultant impact to access / highway safety is considered to be limited in this case.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

#### **5 – Other matters:**

##### *Ecology*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site is not within a bat alert layer on the Council's GIS system and there are no records of bat roosting at the site. As such, it is considered the proposal would have a limited impact upon ecology.

### *Climate Change*

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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

## **6 – Representations**

The representations received are summarised below with the response detailed in italics.

- Lack of access to the property, as the only way of getting to the back of the house is through the front door
- Use of crane lift to deliver materials of construction
- Health and Safety implications of using such an approach to deliver materials
  
- It will be necessary to have skips etc. to dispose of any excess rubble and waste. This will in turn influence the available parking spaces. Use of a crane for deliveries will also impact in relation to access and highway safety during construction.

*Given the scale of the development it is considered the arrangements for collection of wastes and provision of goods / materials during the construction phase is a matter to which it would be unreasonable of the LPA to insist upon controls to be in place. Any permission would not over-ride existing rights of access and this would be brought to the applicants attention as an informative note in the event of any grant of permission.*

## 7 – Conclusion:

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. 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:** 2025/93554

**Officer Recommendation:** Refuse

### Reason

1. The proposed development, by reason of its siting, scale and proximity to neighbouring property would result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining dwelling No 3 Tom Lane. To permit such a development would be contrary to Policy LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type                     | Reference | Version | Date Received |
|-------------------------------|-----------|---------|---------------|
| Existing Layout and Elevation | 1528/01   |         | 24/12/2025    |
| Proposed Layout and Elevation | 1528/03   |         | 24/12/2025    |
| Application form              |           |         | 24/12/2025    |
| Climate Change Statement      |           |         | 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 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. Concerns were raised with the applicant's agent regarding the extensions impact upon neighbouring windows. No amended plans were submitted and no further amendments were sought as it was considered they would not overcome the harm of the development.

**Report Dated:**

03/03/2026