

**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:	2026/62/90417/E
Site Address:	8A, Grove Terrace, Birkenshaw, BD11 2LY
Description:	Erection of detached outbuilding to create dwelling forming annex accommodation associated with 8A, Grove Terrace, Birkenshaw, BD11 2LY
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: 19-May-26

Error! Filename not specified.

OFFICER REPORT

Site Description

8a Grove Terrace is a recently constructed dwelling on a constrained plot that formerly formed garden to number 8. It is noted that there is a modest amenity space to the front and a path to the rear with parking to the front.

The surrounding development is made up of older residential properties.

Description of Proposal

The applicant is seeking permission to erect an outbuilding to form annex accommodation.

- The erection of an outbuilding to form an annex associated with 8a Grove Terrace – the building would have a width of 7m and a depth of 4m with a pitched roof form.
- Replacement parking is shown on the site plan as being to the side and rear

Relevant Planning History

2021/91142 – non-material amendment on 2020/91522 – refused

2020/91522 - erection of a detached dwelling with associated parking – approved

2019/93357 – Erection of detached dwelling (rear of Grove Terrace) – Withdrawn

98/90141 – Erection of two storey extension (8, Grove Terrace) - Approved

95/90438 – Outline application for the erection of detached dwelling (rear of Grove Terrace) – Refused

94/91394 – Outline application for erection of detached dwelling (rear of Grove Terrace) – Refused

A pre app enquiry was submitted for the proposed annex under 2025/921442 – advice was given: whilst some form of modest shed may be possible, the scheme as shown would be of a scale which is unacceptable and unlikely to be supported.

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 proposals are unacceptable in terms of visual amenity as the agent was made aware in response to the pre application enquiry.

Further justification has been provided and assessed.

Representations

The application was advertised by site notice, which expired on 20/04/2026

As a result of the above publicity, four letters of support 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 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
- **LP21** – Highways and access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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.

A formal pre application enquiry was submitted last year and comments were provided raising concerns regarding the cumulative scale of development and impact on character and amenity.

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 dwelling was originally approved, on balance, with permitted development rights removed for further extensions or outbuildings due to the modest size of the plot and its close relationship with surrounding properties. The pre-application advice was consistent with this decision as the plot was considered of a scale that could not accommodate further development of the design and scale proposed.

The outbuilding measures 6 x 4 metres and is of a permanent stone construction. It is shown tucked into the corner to the front of the dwelling within existing amenity space thereby reducing the amount of useable space associated with the dwelling. The original parking area is reorganised to provide spaces side by side which appear cramped.

The erection of an annex would result in further development within an already constrained site, which would appear visually intrusive and out of keeping with the established character of the area. Anything beyond a small domestic shed would be considered excessive and likely to have an unacceptable impact on visual amenity.

Having taken the above into account, the proposals are considered to detract from the character of the area and balance of development to green space detrimental to the visual amenity of both the host dwelling and the wider street scene. The scale, form and layout of the development along with the reorganisation of parking would appear harmful in the context of the modest plot. The scale is such that it would not represent a sympathetic or subservient addition to the host property. Instead, the development would appear visually intrusive and out of keeping with the established character of the area.

As such, the proposal fails to comply with Policy LP24 of the Kirklees Local Plan (in particular criteria (a) relating to form, scale and layout, and (c) requiring development to be in keeping with the existing building), Policies KDP1 and KDP2 of the House Extensions and 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 9 & 10 Grove Terrace

Whilst it is appreciated that the building would be single storey in terms of height, it would be less than 6m from the rear elevations of 9 & 10 Grove Terrace. This is a very close relationship. However, it is noted that there are limited openings which could be affected, and whilst there is potential for an impact on the yard areas, the height of the outbuilding is similar to what could potentially be erected as a boundary treatment and as such there would be limited impact.

Impact on future occupant

The proposed annex has been considered against the Nationally Described Space Standards (NDSS). It is acknowledged that the submission clarifies the structure is intended to provide a single bedroom for a teenager, functioning as ancillary accommodation to the main dwelling rather than as a self-contained unit. In this context, the proposal is not designed to include full primary living facilities, with the main house providing the majority of day-to-day amenities.

The applicant has referenced the NDSS requirements for bedroom sizes, which specify that a single bedroom providing one bedspace should measure at least 7.5sqm with a minimum width of 2.15m, and a double bedroom at least 11.5sqm. The proposed bedroom, at approximately 12sqm, would meet the minimum requirement for a two-person bedroom in isolation.

However, when assessed holistically, the annex would provide a total floorspace of approximately 16sqm. Whilst the bedroom itself meets minimum size guidance, the overall quantum of space remains limited and would not comfortably support associated functions, circulation, storage, and any ancillary facilities within the structure. As such, the accommodation would appear constrained.

Notwithstanding its ancillary nature and intended limited use for sleeping purposes, the degree of under-provision in terms of overall floorspace raises concerns regarding the quality and usability of the space. The resulting environment would be more restricted than typically expected, although it is acknowledged that the main dwelling would supplement the majority of living needs.

On balance, while the bedroom element aligns with NDSS size expectations, the annex as a whole provides a relatively limited and constrained form of accommodation, which should be carefully considered in terms of the standard of amenity it would offer future occupants.

Having considered the above factors, the proposals are considered to result in an unacceptable impact upon the residential amenity of the future occupant of the annex. The limited internal floorspace, poor layout, and constrained living conditions would fail to provide a reasonable standard of accommodation, resulting in a cramped and substandard living environment.

As such, the proposal fails to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of securing a good standard of amenity, Key Design Principles 3, 5, 6 and 7 of the House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The revised parking shows the displaced parking spaces tucked side by side adjacent to the dwelling. Due to the limited space afforded to the two spaces manoeuvring and accessing vehicles would be severely restricted to the detriment of pedestrian and highway safety.

Bin storage for the dwelling would not be moved as part of the proposals.

Due to the scale and location of the development proposed, parking for two vehicles would be displaced. The proposed layout for off street parking would be constrained within the plot adding further weight to the overdevelopment of the site as well as concerns regarding accessibility and highway safety contrary to Policies LP21 and LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

The development is for a single storey outbuilding to provide an annex. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the works proposed, then it is considered unlikely to have an impact on the bat population.

Carbon Budget

The proposal is a small scale domestic development within the grounds of 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:

Four letters of support have been received.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect an outbuilding to form an annex associated with 8a Grove Terrace 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

The proposed development, by reason of its scale, form and siting within a constrained plot, would represent an overdevelopment of the site. The introduction of a large outbuilding to form an annex would appear visually intrusive and incongruous, failing to relate positively to the host dwelling or the established character of the surrounding area. The proposal would therefore result in harm to the visual amenity of the site and wider street scene, contrary to Policy LP24 (criteria a and c) of the Kirklees Local Plan, Key Design Principles KDP1 and KDP2 of the House Extensions and Alterations Supplementary Planning Document, and the aims of Chapter 12 of the National Planning Policy Framework.

The proposed annex, by reason of its limited overall floorspace (approximately 16sqm) and constrained internal layout, including a bedroom of around 12sqm, would fail to provide an adequate standard of accommodation for its intended occupant. The development would result in a cramped and substandard living environment, falling significantly below the Nationally Described Space Standards and failing to ensure acceptable living conditions. The proposal is therefore contrary to Policy LP24 (criterion b) of the Kirklees Local Plan, Key Design Principles KDP3, KDP5, KDP6 and KDP7 of the House Extensions and Alterations Supplementary Planning Document, and the aims of 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: 2026/90417

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed development, by reason of its scale, form and siting within a constrained plot, would represent overdevelopment of the site. The introduction of a large outbuilding to form an annex would appear visually intrusive and incongruous, failing to relate well to the host dwelling or the established character of the surrounding area. The displacement of parking spaces results in further cramped form to the detriment of visual amenity of the site and wider street scene, contrary to Policy LP24 (criteria a and c) of the Kirklees Local Plan, Key Design Principles KDP1 and KDP2 of the House Extensions and Alterations Supplementary Planning Document, and the aims of Chapter 12 of the National Planning Policy Framework.
1. The proposed annex, by reason of its limited overall floorspace (approximately 16sqm) and constrained internal layout, including a bedroom of around 12sqm, would fail to provide an adequate standard of accommodation for its intended occupant. The development would result in a cramped and substandard living environment, falling significantly below the Nationally Described Space Standards and failing to ensure acceptable living conditions. The proposal is therefore contrary to Policy LP24 (criterion b) of the Kirklees Local Plan, Key Design Principles KDP3, KDP5, KDP6 and KDP7 of the House Extensions and Alterations Supplementary Planning Document, and the aims of Chapter 12 of the National Planning Policy Framework.
2. The two replacement parking spaces shown are substandard in terms of width and layout and would be difficult to manoeuvre and access to the detriment of pedestrian and highway safety contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Proposed plans	A-20-10 Rev B	1126693	11/03/2026
Climate change statement	-	1127763	11/03/2026

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.

The proposals are unacceptable in terms of visual amenity as the agent was made aware in response to the pre application enquiry. Furthermore, the limited size of the annex would provide substandard living accommodation and concerns regarding highway safety.

Report Dated 14/05/2026