

**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:	2026/62/90909/E
Site Address:	7, Milford Grove, Birkenshaw, BD19 4BB
Description:	Erection of single storey front and two storey rear extensions
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.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Jun-2026

OFFICER REPORT

Site Description

7 Milford Grove is a detached, brick built dwelling with render detailing on the front elevation. There are gardens and a drive to the front of the property and an enclosed garden to the rear of the dwelling.

The property backs onto the embankment for the M62 and there are properties of a similar age although varied in terms of style to the front and sides.

Description of Proposal

The applicant is seeking permission for a single storey front extension and a two storey rear extension.

The front extension would project 1.2m with a width of 3.8m which would infill the area to the side of the existing projecting element. The roof form would be flat.

The rear extension would project 3m from the original rear wall of the dwelling, extending across the width of dwelling. The roof form would be a perpendicular pitched roof form.

The walls would be brick with tiles for the roof covering.

Relevant Planning History

None

Representations

The application was advertised by site notice, which expired on 08/06/2026

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

- Overshadowing of the adjacent dwelling.
- Overbearing impact on the adjacent dwelling.

Other matters have been raised including harm to residential amenity (conservatory), impact on family life and wellbeing. References have been made to Local Plan Policies which are not for Kirklees, including D4 and D1. Further commentary has been made in terms of the House Extensions & Alterations SPD, Local Planning Policy and the NPPF. The comments also note that the applicant has not engaged with the neighbour along with a suggestion for an alternative scheme subject to the neighbour's review of the design.

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
- **LP 22** – Parking
- **LP 24** - Design

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

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 5.13 and 5.14 of the House Extensions & Alterations SPD state that front extensions are highly prominent within the street scene and therefore require careful consideration to ensure they do not erode the character of the area. Such extensions should be small, subservient to the main dwelling, and constructed using appropriate materials. As this proposal relates to a side and rear extension, the relevant guidance is found in paragraphs 5.15 and 5.17 of the SPD, which require side extensions to be appropriately located and designed to minimise impact on the character of the area, reflect the original building in terms of materials and detailing, and retain

adequate space to preserve a sense of openness. In addition, paragraphs 5.1, 5.2 and 5.6 of the SPD set out specific guidance for rear extensions, requiring development to maintain the quality of the residential environment, respect the original dwelling, and utilise appropriate materials.

The proposed porch would be modest in scale and subservient to the host dwelling, ensuring that it would not appear visually intrusive within the street scene. Its design would be simple and reflect the proportions and architectural detailing of the existing property, with materials proposed to match those of the main house. As such, the porch is considered acceptable in visual terms and would preserve the character and appearance of the dwelling and the surrounding area.

The rear element of the proposal would be modest in scale and would not be visible from the public realm, thereby limiting its impact on wider visual amenity. The design and detailing would respect the form and proportions of the existing dwelling, and the materials proposed would match those of the host property, ensuring visual cohesion. The extension maintains space to each boundary in accordance with policy. As such, the rear extension is considered appropriate in design terms and would maintain the quality and character of the application property and surrounding residential environment.

In accordance with the House Extensions & Alterations SPD the development would preserve a back garden of reasonable size not exceeding 50% of the total area around the original house.

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.

The House Extensions & Alterations SPD sets out that two storey rear extensions should not project out more than 3 metres from the wall of the original house or by 4 metres for detached property. Where an extension is within 1.5 metres of the property boundary the eaves should not exceed 3

metres. Development should not adversely affect habitable room windows where they adjoin a neighbour's boundary.

When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45 degree guidelines and an assessment will be undertaken as to the impact on overshadowing of habitable room windows.

There are no properties directly to the front or rear of the dwelling which could be affected by the works proposed.

Impact on 5 Milford Grove

The single storey extension to the front is limited in scale and as such would have limited impact on the adjacent dwelling in terms of overshadowing, overbearing or overlooking.

The properties were built with a linear alignment at the rear. It is noted that the adjacent dwelling to the east has erected a single storey extension. There is a 2.7m gap between the properties which minimises the potential for the proposed two storey rear extension from resulting in any significant overbearing or overshadowing. The windows would look into the applicants own amenity space. Due to the scale and positioning of the development the extension will not impact any habitable room window.

With regards to the impact on the adjacent 5 Milford Grove, 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 9 Milford Grove

The single storey extension to the front is limited in scale and as such would have limited impact on the adjacent dwelling in terms of overshadowing, overbearing or overlooking.

The properties are arranged in a linear alignment along the rear boundary, and as noted in the assessment of the opposite neighbouring property, this consistent arrangement is a defining characteristic of the surrounding built form. It is also observed that the neighbouring dwelling to the west has previously constructed a conservatory at the rear.

A separation distance of approximately 3.5m is maintained between the two properties, which serves to limit any potential impact arising from the proposed two-storey rear extension. In particular the design and scale of the projection, which is in accordance with the House Extensions SPD, along with the spacing, reduces the likelihood of the development causing significant overbearing effects or undue overshadowing to the adjacent property.

Furthermore, the proposed windows associated with the extension would be oriented towards the applicant's own private amenity space, ensuring that there would be no detrimental impact on the privacy of neighbouring occupiers.

Due to the scale and positioning of the development the extension will not impact any habitable room window.

With regards to the impact on the adjacent 9 Milford Grove, 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.

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 property has a drive to the front which is considered to represent a sufficient provision. 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:

One representation has been received. The material planning matters raised are summarised as follows:

- Overshadowing of the adjacent dwelling – **Response:** *this is a material consideration relating to residential amenity. The potential impacts on the adjacent properties has been fully considered under the relevant section of this report. There is a gap of 2.7m and 3.5m between the host property and the neighbours on each side respectively. Given this separation, along with the scale of the extension it is considered that there would be no loss of amenity as a consequence of overshadowing. It is noted that there is a conservatory on the neighbouring property and this has been taken into account in the assessment of the proposals. For the reasons outlined the extension is considered acceptable and refusal could not be justified.*
- Overbearing impact on the adjacent dwelling – **Response:** *this is a material consideration relating to residential amenity. The potential impacts on the adjacent properties has been fully considered under the relevant section of this report. Due to the scale and design of the extension proposed along with the distance maintained to the boundary it is considered that adequate gaps between the properties mitigate the potential for appearing overbearing.*

Other matters have been mentioned including harm to residential amenity, impact on family life and wellbeing, *both of which are included in the consideration of residential amenity.* References have been made to Local Plan Policies which are not Kirklees policies, however a full assessment of the development proposals along with a site assessment against current planning policy has been undertaken. Further commentary has been made in terms of the House Extensions & Alterations SPD, Local Planning Policy and the NPPF – *the proposals have been assessed having regards to the Kirklees Local Plan and the House Extensions & Alterations SPD.* The comments also note that the applicant has not engaged with the neighbour along with a suggestion for an alternative scheme subject to the neighbour's review of the design. *It is for the applicant to determine the design of the proposal and choose whether to engage with their neighbour.*

Negotiations:

None

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 storey front extension and a two storey rear extension at 7 Milford Grove 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 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: 2026/90909

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.

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 plan	01a	1136552	24/04/2026
Existing plans	01	1136287	24/04/2026
Proposed plans	03	1136288	24/04/2026
Statement	-	1136291	24/04/2026
Flood risk info	-	1136292	24/04/2026
Climate change statement	-	1136556	24/04/2026

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 12/06/2026