

**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:	2026/62/91044/E
Site Address:	2, Bonaccord Square, Batley, WF17 7QG
Description:	Erection of front porch and first floor 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.

John Holmes

AUTHORISED OFFICER

Date: 09-Jun-2026

OFFICER REPORT

Site Description

2 Bonaccord Square is a stone built, mid terraced property with an existing single storey rear extension. There is no rear garden however there is a long garden to the front.

The surrounding area is residential with a mix of property types.

Description of Proposal

The applicant is seeking permission for a porch to the front and a first floor extension to the rear.

The porch will project 2.5m with a width of 2.8m. The roof form would be pitched.

The rear extension would project 3m across the width of the dwelling with a gently sloping 'catslide' roof form.

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

Relevant Planning History

1997/93043 – erection of single storey extension – approved

1999/91324 – formation of parking with turning and access - approved

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 proximity of the host property to the properties to the rear would see the development detrimentally increase the overbearing, overlooking, overshadowing and oppressive impact (discussed in more depth within the 'Assessment' section of this report. Other than removal of the first floor element of the scheme no amendments are considered possible to address these matters. Given the description of the development and plans submitted the application has been progressed to determination on the basis of the scheme as submitted.

Representations

The application was advertised by site notice, which expired on 11/05/2026

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 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.

There are two distinct elements of the scheme which shall be considered below.

Single storey porch to front

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The front porch would be modest in terms of its size and would be constructed using materials to match the main house. The porch is therefore considered to be acceptable in terms of visual amenity.

First floor rear extension

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.

The first floor rear extension would be built over the existing ground floor. Whilst it is noted that there are no others in the row, there are rear extensions in the wider area. The materials proposed would match the main house. The detailing is considered to be appropriate.

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.

Paragraph 135 of the NPPF requires that planning decisions ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Impact on 1 Bonaccord Square

The proposed development is not considered to give rise to any unacceptable impacts on the residential amenity of the adjoining property at 1 Bonaccord Square, located immediately to the north. The neighbouring site currently benefits from a very limited provision of private amenity space, and there are no principal habitable room windows positioned in close proximity to the shared boundary. As such, the proposals would not result in any material overshadowing, overbearing or overlooking beyond what could reasonably be expected in this urban context. Given the existing relationship between the sites, it is concluded that the development would maintain an acceptable standard of amenity for the occupiers of the adjoining house.

With regards to the impact on the adjoining 8 Stanley Road, 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 3 Bonaccord Square

The proposed development is not considered to result in any unacceptable impacts on the residential amenity of the adjoining property at 3 Bonaccord Square, located to the south. The neighbouring property similarly benefits from a limited extent of private amenity space, and there are no principal habitable room windows situated in close proximity to the shared boundary with the application site. While there is a first-floor window positioned near to the boundary, the agent has confirmed that this serves a bathroom, which is not considered a primary habitable space. On this basis, any potential impacts in terms of overshadowing, overbearing or overlooking would be limited and would not give rise to material harm. Taking into account the established relationship between the properties and the urban context, it is concluded that an appropriate standard of amenity would be maintained for the occupiers of 3 Bonaccord Square.

With regards to the impact on the adjoining 3 Bonaccord Square, 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 20 & 22 Denison Street

The proposed development is considered to result in unacceptable impacts on the residential amenity of neighbouring occupants to the rear at 20 and 22 Denison Street. Whilst the surrounding area is characterised by a relatively dense urban form, the relationship between the application site and these properties, with limited separation distances of approximately 4.4m at ground floor level and around 7.5m at first floor level, heightens sensitivity to additional built form. In this context, the proposals would materially intensify

the sense of enclosure and intervisibility, giving rise to increased overlooking, an overbearing presence, and undue overshadowing beyond the existing baseline conditions. The intended use of obscure glazing to serve bedrooms is noted however the close proximity of these openings would give rise to a sense of overlooking for occupiers of nos. 20 and 22. As such, it is considered that the proposal would erode the current standard of residential amenity experienced by occupiers of neighbouring properties to the rear to an unacceptable degree.

With regards to the impact on the neighbouring 20 and 22 Denison 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 unacceptable.

Having considered the above factors, the proposals are considered to result in significantly adverse impacts upon the residential amenity of the occupants of the properties to the rear. Thereby failing to comply 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 existing parking 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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a porch to the front and a first floor rear extension at 2 Bonaccord Square 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 development, by reason of its siting, scale, and proximity to the shared boundaries with neighbouring properties at 20 and 22 Denison Street, would result in an unacceptable impact on the residential amenity of these occupiers. In particular, the development would give rise to increased overlooking, overbearing and undue overshadowing, exacerbating the already constrained relationship between the properties. This would materially worsen the living conditions of neighbouring residents, contrary to Policy LP24 of the Kirklees Local Plan, KDP3, 5 & 6 of the House Extensions & Alterations SPD and policies within 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: 2026/91044

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed development, by reason of its siting, scale, and proximity to the shared boundaries with neighbouring properties at 20 and 22 Denison Street, would result in an unacceptable impact on the residential amenity of these occupiers to the south east of the site. In particular, the development would give rise to increased overlooking, an overbearing sense of enclosure, and undue overshadowing, exacerbating the already constrained relationship between the properties to an unacceptable degree that would lead to a harmful impact upon the living conditions of neighbouring occupiers, contrary to Policy LP24 of the Kirklees Local Plan, principles 3, 5 & 6 of the Council's adopted House Extensions & Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	1	1135573	15/04/2026
Floor plans	2	1135577	15/04/2026
Front & rear elevations	3	1135576	15/04/2026
Side elevations	4	1135575	15/04/2026
Climate change statement	-	1135580	25/02/2026

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 proximity of the host property to the properties to the rear would see the development detrimentally increase the overbearing, overlooking, overshadowing and oppressive impact. Other than removal of the first floor element of the scheme no amendments are considered possible to address these matters.