

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:	2026/62/91139/E
Site Address:	1, Charnwood Bank, White Lee, Batley, WF17 8PY
Description:	Erection of side and rear extensions, formation of driveway with dropped kerb to front elevation and associated works
Recommending Officer:	Elenya Jackson

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: 22-Jun-2026

OFFICER REPORT

Site Description

1 Charnwood Bank, Batley WF17 8PY is a two storey detached dwelling which currently benefits from its own side and rear garden, a conservatory to the rear which projects 3.2m beyond the rear of the existing house. The dwelling is set back from the road by private amenity space.

The property occupies a corner plot at the junction with White Lee Road. The properties within the vicinity are cohesive in appearance as they are of similar scale, design and materials.

Description of Proposal

This application seeks permission for the erection of side and rear extensions, formation of driveway with dropped kerb to front elevation and associated works.

The side extension would project 3.2m beyond the side elevation of the existing dwelling and have a length of 8.7m with a lean-to roof with a maximum height of 3.7m.

The rear extension would project 4.5m beyond the rear of the house and have a width of 5.3m with a maximum height of 3.3m.

The proposal would be constructed with all external facing materials matching the existing dwelling which has a brick and rendered finish.

A boundary fence has been erected around the site without the benefit of planning permission; however, this has not been included as part of this application and is therefore not included in the following assessment.

The submitted plans include an annotation 'Heat Pump' which is adjacent to the proposed extensions. This is not included within the description of development in the submitted application form and no details of this have been provided. Notwithstanding the fact this element of the scheme is not included in the assessment of the development it is noted there remains potential for undertaking a heat pump by utilising permitted development rights.

Relevant Planning History

2025/91707: Erection of side and rear extensions, formation of driveway with dropped kerb to front elevation and associated works. Refused 22nd August 2025 for the following reason:

The proposed extensions, by reason of their overall scale, location and projection beyond the established building line, would result in a cramped form of development which would fail to appear subservient to

the host dwelling, and appear unduly prominent and incongruous within the street scene, to the detriment of visual amenity. The proposals would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

The proposal the subject of this application is amended from that of the previous refusal insofar as the proposal is single storey with distinct separate side and rear elements. The previous refusal was part two storey to the rear and single storey to the side and rear.

History of Negotiations

No alterations were requested during the course of the application.

Representations

The application was advertised by site notice which expired on 5.06.2026. No representations have been received as a result of site publicity.

Consultation Responses

Informal consultation with KC Highways on 18.06.2026 and objections raised relating to highway safety which will be further discussed below.

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 within the Kirklees Local Plan.

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.

The following policies are considered relevant in the determination of this application:

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway and Access
- **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. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places

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.

Assessment

1) 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 and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

2) Impact on visual amenity

Key Design Principle 1 of the House Extensions and Alterations supplementary planning document (SPD) state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto state that extensions should not dominate or be larger than the original dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details. Recommendations are set out in the SPD as follows:

Single storey rear extension:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

Single storey side extension:

- should extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- be set back at least 500mm from the original building line to allow for a visual break.

Paragraph 5.23 of the House Extensions and Alterations SPD is relevant in this case and sets out the following:

On corner plots, side extensions should be considered as being both side and front extensions and as such will relate to both street frontages. Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets;
- and Following the boundary treatment along both streets, in relation to its position, height and materials

The property has a modest amount of amenity space to the side and rear with an existing rear extension, that would be replaced by the proposed development.

Officers acknowledge that the proposed rear extension would project 0.5m beyond the recommended parameters of the House Extensions and Alterations SPD. However, it is considered that there is an existing single storey rear projection on site which the proposal would not extend substantially beyond.

Officers note that the site has previously received a refusal for an extension on site for a part two storey and part single storey rear extension and a wraparound side extension.

This application has been amended to remove the two storey element of the proposal to the rear, reduce the side extension by 30cm in width and remove the infill between the rear extension and the side extension.

Paragraph 4.41 of the House Extensions and Alterations SPD sets out that 'Proposals for extensions need to carefully balance the requirement for off-street parking and cycling storage against the retention of private amenity space and soft landscaping areas within the curtilage of the property.'

The proposal would see the creation of a parking space to front, this is an element of the scheme not previously proposed and would facilitate the creation of a dropped curb and parking space which would be at an oblique angle within the site due to the close proximity of the property to the street. The parking of a vehicle could only be possible by utilising all the area to the front of the site, which would become parking dominated hard standing.

The appearance of this element of the development is considered to be visually incongruous in the context of the street which is characterised by site frontages consisting of soft landscaping. The angled nature of the parking area, and fact there would need to be a degree of alterations to the site to accommodate such a space coupled with the prominence of this part of the site leads to the conclusion this element of the proposed development would be visually harmful and contrary to policy LP24 of the Kirklees Local Plan as well as the House Extensions and Alterations SPD.

It is considered that on the basis of inclusion of conditions requiring use of matching materials, the single storey extension to rear could be considered acceptable in this case given there is a marginal exceedance of the recommendations of the SPD and in this case it would not lead to a significant increase in harm in relation to visual amenities.

The previous reason for refusal set out that the *'projection beyond the established building line, would result in a cramped form of development which would fail to appear subservient to the host dwelling, and appear unduly prominent and incongruous within the street scene, to the detriment of visual amenity'*

In this case, whilst the proposal has been amended with a reduction to the size and scale of the extension to side, it would be in close proximity to the street and would see a development which has a cramped appearance. The single storey side extension is such that by virtue of its siting, design, scale and projection beyond the established building line, it would result in a cramped form of development which would fail to appear subservient to the host dwelling and appear unduly prominent and incongruous within the street scene, to the detriment of visual amenity. The single storey side extension would therefore be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

3) 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 proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect of Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

Impact on 3 Charnwood Bank: adjoins the application site to the west.

Overlooking: The proposal would not feature any side facing windows and as such would not result in a loss of privacy to the occupants of no.3.

Overshadowing/loss of light/overbearing: The proposed extension would project approximately 4.5m beyond the rear of no.3. Officers consider that there would be an alteration to the existing relationship between the dwellings; however, the extension would be set approximately 2.3m away from the side of no.3 and any overshadowing would be limited in duration during the day. On this basis, the impact upon the occupants of this neighbouring property is not considered to be significantly detrimental to warrant a reason for refusal.

The site is separated from adjacent development at the rear (south) by an Electricity Sub-Station, whilst there is an adequate separation distance to existing development to the north and east so as to not have a detrimental impact on other occupiers.

In summary, for the reasons set out above, the proposal is considered, on balance, to be acceptable in residential amenity terms, in accordance with Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

4) Impact on highway safety

Policy LP21 of the Kirklees Local Plan requires that 'New development will normally be permitted where safe and suitable access to the site can be

achieved' and that 'all proposals shall (a) ensure the safe and efficient flow of traffic within the development and on the surrounding highway network'

Paragraph 116 (Chapter 9) of the NPPF sets out that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

Officers have reviewed the application informally with Highways as the proposal would be creating a new access off Charnwood Bank and requires alterations to the highway in the form of a dropped kerb extension.

KC Highways have raised concerns as the parking location/access to be created as part of the application as parking provision should be parallel to the highway to ensure manoeuvrability would not obstruct or inconvenience other users of the network. The proposed parking space is considered to be at a contrived angle that could require the utilisation of neighbouring land to access.

A fence has been erected around the site which does not benefit from planning permission; however, this would impede visibility splays of the site.

It is considered that the manoeuvres required to utilise the proposed parking space would be such that it would not be easily usable as a space and would conflict with pedestrian users as well as vehicles accessing Charnwood Bank given the siting of the access point in close proximity to the Junction. It is noted the dwelling was designed with vehicular parking provided to the rear of the plot, and it is considered the highway safety implications of an access point to the front were such that the vehicular parking arrangements for the site as implemented were dictated as a result.

As such the scheme is concluded to cause harm in terms of highway safety and as such would fail to comply with LP21 and Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

5) Other matters

Carbon Budget

The proposal is a small-scale 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.

Trees

The proposal would include the removal of trees to facilitate the proposal. Officers consider this could be undertaken without the need for planning permission as the trees do not benefit from a tree preservation order and therefore no further comments on this matter.

6) Representations

No representations have been received because of site publicity.

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.

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 Refuse

Decision Authorisation – Delegated Powers

Application Number: 2025/62/91707/E

Officer Recommendation: Refuse

Reason:

1. By virtue of its siting, design, scale and projection beyond the established building line, the single storey side extension and alterations to front to create a vehicular access and parking area would result in a cramped form of development which would fail to appear subservient to the host dwelling, and appear unduly prominent and incongruous within the street scene, to the detriment of the visual amenities of the host property and wider locality. The single storey side extension and alterations to front to create a vehicular access and parking area would therefore be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and paragraph 4.41 of the Council's adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.
2. The alterations to front to create a vehicular access and parking area would fail to demonstrate a safe and accessible development proposal which would lead to conflict with vehicle and pedestrians. Therefore, the proposals would be contrary to Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed Plans / Elevations	10442/02D		23.04.2026
Proposed rear and side elevations	10442/03c		23.04.2026
Sections and specifications	10224/04		23.04.2026
Site Plans and Location plans	10442/05A		23.04.2026
Existing Elevations	10442/01		23.04.2026
Application Form			23.04.2026
Climate change Statement			23.04.2026

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No alterations have been sought in this instance.