

**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:	2026/62/91307/E
Site Address:	46, Kingsley Crescent, Birkenshaw, BD11 2NL
Description:	Erection of two storey side extension with dormer
Recommending Officer:	Jennifer Booth

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 08-Jul-2026

OFFICER REPORT

Site Description

46 Kingsley Crescent is a brick built, semi-detached dwelling with a hipped roof form located on a street of similar properties. The dwelling has hardstanding for at least three vehicles to the front, a path to the side and an enclosed garden to the rear. The property has a single storey extension to the rear.

Description of Proposal

The applicant is seeking permission to erect a two storey side extension and a rear dormer.

The side extension would lie flush with the front bay on the ground floor, including an area of porch and be set back in line with the main house at first floor. There would be no visible set back or set down, nor would there be a gap to the side boundary given the projection would be 2.3m. The roof form would be gabled.

The rear dormer would have width of 7.4m and a height of 2.3m.

The walls of the extension would be brick with tiles for the roof covering. The face and cheeks of the dormer would be clad with anthracite cladding.

Relevant Planning History

2023/92388 – certificate of lawfulness for hip to gable enlargement, rear dormer and single storey rear extension – granted

2023/90396 – erection of hip to gable enlargement and rear dormer – withdrawn

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 side extension includes no set back or set down or gap to the side boundary, reducing the sense of space between the properties and lacking in subservience. Moreover, although it is appreciated that there is a certificate of lawfulness for the roof alterations including the hip to gable enlargement and a rear dormer within the original footprint of the dwelling, the scale of the rear dormer is significant as it has been elongated to cover the side extension as well and would form an incongruous feature. The proposals

fail to comply with policy on a number of points, as such amended plans have not been sought.

Representations

The application was advertised by site notice, which expired on 22/06/2026

As a result of the above publicity, one representations have been received. The comments note the rear extension which does not have a planning permission and the visibility of the site from the rear.

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.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The proposed two-storey side extension, by virtue of its scale, siting and design, would result in an unduly dominant addition to the host dwelling that fails to appear subservient. In particular, the absence of any set-back from the principal elevation or set-down from the main roof, coupled with the lack of a gap to the side boundary, would erode the visual separation typically expected between properties and harm the established sense of space within the streetscene. Whilst the use of matching materials is noted, this does not sufficiently mitigate the overall bulk and massing of the extension. Although there are examples of side extensions within the vicinity, these are generally characterised by subordinate design features, including set-backs and/or reduced ridge heights, and in many cases pre-date the adoption of the Council's SPD; as such, they are not directly comparable to the current proposal. Consequently, the development is considered to give rise to an unacceptable impact on visual amenity.

Rear dormer

In point 5.25 of the House Extensions & Alterations SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size.

While it is acknowledged that a dormer positioned within the original roof slope has been deemed lawful under a Certificate of Lawfulness, the current proposal differs significantly in scale and form. The proposed dormer extends beyond the original roof, encompassing both the main roof and the roof of the proposed side extension. As a result, it appears overly dominant and lacks the necessary subservience to the host dwelling. Its increased bulk and footprint would create an incongruous addition that does not respect the proportions or character of the existing property.

Furthermore, the development would be readily visible from the open areas to the rear, leading to a harmful impact on visual amenity.

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.

Impact on 44 Kingsley Crescent

The two storey side extension would be constructed on the opposite side of the dwelling to the adjoining property and as such would result in no overlooking, overshadowing or overbearing impact.

The dormer would be set up within the roof plane. Whilst there would be windows, these would face into the applicant's own amenity space. Given this, there are no concerns in terms of overlooking, overshadowing or overbearing.

With regards to the impact on the adjoining 44 Kingsley Crescent, 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 48 Kingsley Crescent

The side extension would reduce the space between the host property and the adjoining dwelling. However the neighbour's side elevation has limited openings and these appear to serve non habitable spaces. Furthermore, there would be no windows in the side elevation. Given this, there would be no overbearing, overshadowing or overlooking impact.

With regards to the impact on the adjacent 48 Kingsley Crescent, 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 33 Kingsley Crescent

The neighbouring property on the opposite side of the road occupies a position some 22m from the site. Given the separation, the proposed side extension would result in no overlooking, overshadowing or overbearing impact.

With regards to the impact on the neighbouring 33 Kingsley Crescent, 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 83 Kingsley Drive

The neighbouring property to the rear occupies a position some 25m from the host property. Given the separation, the proposed works would result in no overlooking, overshadowing or overbearing impact.

With regards to the impact on the neighbouring 83 Kingsley Drive, the scheme is considered to be acceptable 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 parking area to the front of the property which can host up to three vehicles would not be affected by the proposed extension and 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 representations have been received. The comments note the rear extension which does not have a planning permission and the visibility of the site from the rear. **Response:** *whilst there is not a planning application, a certificate of lawfulness was submitted and agreed in 2023 for roof alterations including a hip to gable enlargement, rear dormer and a single storey rear extension with a projection of 3m. Whilst the certificate indicated the use of a lean to roof form and what has been built on site has a flat roof form, a certificate does not impose conditions required compliance with plans, only confirmation that the dimensions would meet permitted development criteria. A change to the roof form, especially a reduction in height would still meet the criteria.*

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a two storey rear extension and rear dormer at 46 Kingsley Crescent 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 two-storey side extension, by virtue of its scale, siting and design, would appear unduly dominant and fail to be subservient to the host dwelling. The absence of a set-back, set-down and gap to the side boundary would erode the sense of space within the street scene, resulting in harm to the character and appearance of the area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed rear dormer, by virtue of its excessive scale, bulk and siting, extending across both the original roof and the roof of the proposed side extension, would appear as an overly dominant and incongruous addition that fails to remain subservient to the host dwelling. The development would result in a visually intrusive feature that is harmful to the character and appearance of the existing property and the surrounding area. Furthermore, due to its prominence and visibility from the open areas to the rear, the proposal would have an adverse impact on visual amenity. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and 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: 2026/91307

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed two-storey side extension, by virtue of its scale, siting and design, would appear unduly dominant and fail to be subservient to the host dwelling. The absence of a set-back, set-down and gap to the side boundary would erode the sense of space within the street scene, resulting in harm to the character and appearance of the area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
1. The proposed rear dormer, by virtue of its excessive scale, bulk and siting, extending across both the original roof and the roof of the proposed side extension, would appear as an overly dominant and incongruous addition that fails to remain subservient to the host dwelling. The development would result in a visually intrusive feature that is harmful to the character and appearance of the existing property and the surrounding area. Furthermore, due to its prominence and visibility from the open areas to the rear, the proposal would have an adverse impact on visual amenity. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	01150	1140555	15/05/2026
Existing floor plans	10100	1140554	15/05/2026
Existing elevations	10400	1140553	15/05/2026
Proposed floor plans	20100 P01	1140552	15/05/2026
Proposed elevations	20400 P01	1140551	15/05/2026
Climate change statement	-	1140559	15/05/2026

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 side extension includes no set back or set down or gap to the side boundary, reducing the sense of space between the properties and lacking in subservience. Moreover, although it is appreciated that there is a certificate of lawfulness for the roof alterations including the hip to gable enlargement and a rear dormer within the original footprint of the dwelling, the scale of the rear

dormer is significant as it has been elongated to cover the side extension as well and would form an incongruous feature. The proposals fail to comply with policy on a number of points; as such amended plans have not been sought.

Report Dated 01/07/2026