

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 1, Class A.1 (g) Condition A.4**

DELEGATED DECISION FOR DISCHARGE OF CONDITION A.4 - NOTIFICATION OF A PROPOSED ENLARGEMENT TO DWELLINGHOUSE

Reference no.	2026/HH/91607/W
Site Address	36, Moor Park Avenue, Beaumont Park, Huddersfield, HD4 7AL
Description	The proposal is for erection of single storey rear extension. The extension projects 4m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.5m, the height of the eaves of the extension is 2.5m
Recommending Officer	Morgan Braithwaite

DECISION – PRIOR APPROVAL REQUIRED AND 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-Jul-2026

OFFICER RECOMMENDATION

DISCHARGE OF CONDITION A.4 , SCHEDULE 2, PART 1, CLASS A GENERAL PERMITTED DEVELOPMENT ORDER

1. Procedural Matters

Prior notifications for the erection of single storey rear extensions to dwellings are considered against the requirements as set out by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) Schedule 2, Part 1, Class A, condition A.4.

Proposals pursuant to Class A are permitted subject to limitations set out in paragraph A.1 and in the case of Class A.1 (g) subject to the discharge of condition A.4. This proposal relates to development pursuant to Class A where condition A.4 is engaged and for the purposes of this assessment only the limitations for Class A.1 (g) and requirements condition A.4 are considered. Other limitations within Class A are not considered other than where, in the opinion of the Local Planning Authority, the development does not comply with the limitations within Class A of the Order. Ultimately the responsibility to ensure the development is carried out in full accordance with any planning permission rests with the applicant or property owner/occupier.

Limitations for Class A.1(g) Development

Is the site within a Conservation Area, Article 4 or SSI area?	No
Is any part of the proposal clearly outside the curtilage of the dwellinghouse?	No
If the house is detached and from the information submitted, does the extension extend more than 8 metres from the rear of the original dwellinghouse?	N/A
If the house is not detached and from the information submitted, does the extension extend more than 6 metres from the rear of the original dwellinghouse?	No
Does the proposal exceed 4 metres	No

in height?	
Have permitted development rights been removed from the property?	No

Condition A.4

As part of the notification procedure, the Local Planning Authority notify owners or occupiers of adjacent premises of the proposed development by serving notice and allowing 21 days for objections to be made. The Local Authority shall take into account any representations made as a result of the notice given.

Consultation start date : 11th June 2026

Consultation end date : 23rd July 2026

1. Objections

2.1 1 representation has been made as a result of the publicity raising the following summarised concerns:

- Loss of light
- Overbearing and dominating impact

The requirements of the permitted development legislation with respect to this application for prior notification of a proposed larger home extension state that:

‘Where any owner or occupier of any adjoining premises object to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.’

Chapter 12 of the National Planning Policy Framework require that Planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. This is considered to be a useful frame of reference against which to assess this application.

Kirklees Local Plan policy LP24 also aims to achieve high quality design which is supported by the Council’s adopted Supplementary Planning Document – House Extensions and Alterations (“SPD”).

The Council’s house Extensions and Alterations SPD is considered to form a guidance basis for the LPA to assess this proposal in terms of amenity impact.

Site Description

The application property is a two-storey semi-detached dwelling faced in stone and cream render to the principle (south-west) elevation, while pebble dash render can be seen to the side (south-east) and rear (north-east) elevations.

The property has a driveway which leads to a single detached garage to the rear of the property. A small area of amenity space is located to the front of the property, with a large area of amenity space located to the rear. The amenity space to the rear is enclosed by boundary treatments in the form of a fence and small trees/hedging.

The dwellings which form the street scene do vary somewhat in scale and appearance, however, a similar material palette is noted. The area is predominantly residential.

Description of Proposal

The proposal is for the erection of a single storey rear extension. The extension projects 4m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.5m, the height of the eaves of the extension is 2.5m.

Bi-folding doors are to be incorporated into the rear (north-east), a window in the side (south-east) elevation as well as roof lights on both side of the roof plane.

The proposal is to be constructed up to the boundary with the neighbouring property.

2. Assessment

As an objection has been received, an analysis of the site has been carried out to assess the impact on the amenity of all adjoining neighbouring properties.

38, Moor Park Avenue is a two storey, semi-detached dwelling which adjoins the application property to the north. The proposed development would be single storey and would project 4 meters from the rear elevation of 36, Moor Park Avenue with a span across the full rear of the host property. No.38 has no planning history and is sited on the same ground level as the application property.

Objections have been received in relation to overshadowing and overbearing impact. When considering the SPD paragraph 5.6, it states that rear single storey extensions should not exceed 4m in height nor project more than 3m from the rear wall.

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.

LP24 sets out that

'proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'

Paragraph 135 of the NPPF states that:

'Planning policies and decisions should ensure that developments... f) 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'

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Reference is made in relation to principle 5 that a 45 degree line when taken from the centre of the sill of the nearest rear window of the adjoining property – this line should not be cut.

In the case of the proposal, the extension would be no more than 4m in height and would extend 4m along the boundary. It is acknowledged that the Permitted Development Order permits an extension beyond 3m in length although it is considered this only establishes the principle of a 4m extension in so far as amenity principles are considered acceptable. The extension is proposed to be constructed along the shared boundary of the properties; however, it is unlikely this would result in the removal of the existing boundary treatment which provides partial screening. Given these factors, it is considered that the proposed development would result in a significant impact on the shared boundary which is considered to result in an unduly overbearing and oppressive impact on no.83.

In addition, when considering SPD paragraph 4.17 in which the impact of overshadowing on neighbouring properties is assessed with regard to 45 degree guidelines. In this case, the 45 degree line from the nearest habitable window of no.38 would not be achieved following the proposed extension. It is therefore, considered that the proposed development would cause detrimental harm to the level of natural ambient light currently received at 38, Moor Park Avenue.

In terms of the loss of direct sunlight, paragraph 4.18 also suggests the orientation of the extension in relation to the sun paths should be considered.

As no.38 adjoins to the north, it is concluded that the proposed development would result in significant overshadowing on the rear amenity space and is considered to have an unacceptable impact upon the amenity of the occupiers of this dwelling.

Conclusion

It is therefore, considered that the proposed development would result in an unacceptable degree of harm to the amenities of the occupiers of the adjacent property by reason of the proposed extension leading to an overbearing impact on the shared boundary. It is also considered that the proposed development would cause an unacceptable level of harm to the amenity of neighbouring occupiers as a result of the loss of light that would be experienced as a result of the development. The proposal is therefore concluded to be contrary to Kirklees Local Plan policy LP24 of the Kirklees Local Plan, principles within the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF and is therefore recommended for refusal.

3. Recommendation

Refusal for the following reason:

By virtue of its size, scale, projection, proximity to the shared boundary and massing the proposed development would cause an unacceptable degree of harm to the amenity of the occupiers of the adjacent property by reason of leading to overbearingness on the shared boundary, loss of light and overshadowing. The development would cause an unacceptable level of harm to the amenity of neighbouring occupiers contrary to policy LP24 of the Kirklees Local Plan, principles within the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

The decision is based on the following detail(s)-

Plan Type	Web Reference	Version	Date Recieved
Site Plans	17064-00100	-	12.06.2026
Existing	17064-10100 -	-	12.06.2026
Grouped Plans and Proposed	17064-20100 -	-	12.06.2026

Report Dated: 22rd July 2026

