

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:	2026/62/92248/E
Site Address:	16, Moorside Road, Dewsbury Moor, Dewsbury, WF13 4QD
Description:	Erection of single storey side and rear extension
Recommending Officer:	Ellen Gilbert

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22-Oct-2026

THE SITE

The application site relates to 16, Moorside Road, Dewsbury Moor, Dewsbury, WF13 4QD, a semi-detached, two-storey dwelling situated within a predominantly residential area. The dwelling is constructed of red brick with roof tiling. The principal elevation is characterised by a projecting front bay with UPVC fenestration.

The dwelling is set back from the highway behind an area of hardstanding, providing off-street parking for at least one car. The boundary treatments to the front of the dwelling include timber fencing, brick walling and metal railings. A pathway is located along the side elevation providing access to a rear, well-proportioned garden, providing private amenity space and bin storage.

The dwelling is situated within a predominantly residential area, characterised by dwellings of a similar scale and appearance.

THE PROPOSAL

The applicant is seeking planning permission for the erection of single storey side and rear extension. The extension will run along the western elevation of the property to the rear wall and is set back from the principal elevation by 0.5 meters.

The proposed side extension will wrap around the west and southern elevations of the property and will abut the dwelling by approximately 3.75 meters. To the western elevation, the height of the proposed is approximately 3.72 meters from the ground to the abutment of the roof and approximately 2.55 meters to the eaves. To the southern elevation, the maximum height proposed is approximately 3.7 meters from the ground to the abutment and 2.55 to the eaves. The proposal includes the use of matching brickwork, rooftiles and UPVC fenestration.

HISTORY OF NEGOTIATIONS/AMENDMENTS

Through the course of the application, amendments were sought as it was considered that the proposal was not acceptable as submitted. Subsequently, amended plans were submitted showing the proposed extension to be set back 0.5m from the principal elevation of the host dwelling, and the proposal was deemed acceptable.

PLANNING HISTORY

There is no planning history for the site which is considered relevant to the current proposal.

PUBLICITY & REPRESENTATIONS

The application has been publicised in accordance with Councils adopted Development Management Charter which incorporates the legislative publicity requirements of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

As such, this application has been publicised via site notice which expired on the 28th of September 2026. No representations were received.

ALLOCATION & POLICIES

The site is unallocated within the Kirklees Local Plan. It is situated in a bat alert zone and an area of potentially contaminated land. The application site falls also within an area at high risk of ground movement as a result of past mining activities as determined by the Mining Remediation Authority.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1	Achieving Sustainable Development
LP2	Place Shaping
LP21	Highway Safety
LP22	Parking Provision
LP24	Design
LP30	Biodiversity and Geodiversity
LP53	Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter3	Decision Making Policies
Chapter4	Achieving Sustainable Development
Chapter5	Meeting the challenge of climate change
Chapter14	Achieving well designed places
Chapter15	Promoting sustainable transport

Chapter19 Conserving and enhancing the natural environment
Chapter17 Pollution, public protection and security

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

ASSESSMENT

1 – Principle of development:

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 chapter 4 of the National Planning Policy Framework. The objectives of the policies in chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements. For proposals within settlements policy S4 sets out development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 of Kirklees Local Plan seeks to ensure development is of a suitable design. Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the

House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The SPD incorporates a comply or justify principle insofar as where a scheme does not comply with the recommendations of the SPD is there relevant justification present.

Paragraphs 5.15 & 5.16 of the House Extensions & Alterations SPD are of relevance with regards to the side extension, stating that proposals should 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. The proposed side extension would remain clearly subordinate to the host dwelling, as it is set back from the principal elevation by approximately 3.5 meters and abuts the western elevation by approximately 1.6 meters.

In addition, the use of matching brickwork for the walls, together with appropriate detailing, such as fenestration reflective of the host property and a mono-pitched roof, would ensure that the extension integrates satisfactorily with the existing property and preserves its overall character and appearance.

In relation to the rear section of the extension, Sections 5.1, 5.5 and 5.6 of the House Extensions SPD are of relevance. In this case, the proposed is policy compliant, as it will project from the rear wall by approximately 3 meters, measure 3.45 meters in height from the ground to the abutment and retains adequate garden amenity space.

In addition, the property benefits from a generous curtilage and the proposed development would retain a substantial area of private amenity space. Accordingly, the proposal is considered to comply with Principle 7 of the House Extensions and Alterations SPD.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Chapter 17 of the NPPF seeks to ensure an acceptable impact of development proposals in relation to residential amenity. Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Paragraphs 5.5, 5.6 and 5.16 of the KLP state that rear and side extensions should maintain the quality of the environment by ensuring reasonable levels of natural light into neighbouring properties, whilst also retaining privacy by minimising overlook and ensuring careful design.

Impact on Number 14

The subject property sits attached to Number 14, a dwelling of similar scale and design. It is considered that the proposed rear extension would not give rise to any unacceptable impacts on the residential amenity of neighbouring occupiers. No side-facing windows are proposed within the extension that would result in overlooking or a loss of privacy to the adjoining neighbour's garden. In terms of outlook and light, the extension would not breach the 45-degree guideline and, as such, is not considered to result in any significant overshadowing or loss of daylight to neighbouring properties. Overall, the proposal is considered to maintain an acceptable level of residential amenity for neighbouring occupiers.

Regarding the proposed dormer, the scale, position and location overlooking the front garden of the dwelling, does also not give rise to concerns regarding neighbouring amenity.

Impact on Number 18

To the right of the host-dwelling is another similar property, Number 18, separated by two driveways and detached garages. Neither element of the application, it is considered, raise any issues regarding residential amenity, as only one small window is proposed to the side of the extension, looking out onto non-habitable space in the form of neighbouring garden.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 15 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

The proposal will not affect the on-site parking provision and therefore, it is considered acceptable to remain as it currently meets the needs of the dwelling.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Policies within chapter 19 of the National Planning Policy Framework are relevant and seek to influence the design and location of new development to help drive nature's recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and recognising the centrality of natural capital to delivering sustainable growth.

The Conservation of Habitats and Species Regulations 2017 protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, weight is afforded to the fact that bats are protected in law. It is considered that in this case an appropriate approach would be to draw the protection of bats to the attention of the applicant as an informative upon any grant of permission, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in chapter 5 are details as being to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

A climate change statement accompanies this application. This details several measures to be undertaken which, when considered in the context of the requirements of building regulations for the development, is considered sufficient in this regard.

Contaminated Land

With regard to land quality, policy P2 of Chapter 17 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan seek to ensure land quality is maintained as part of new development are considered to be relevant.

The property is located within an area previously used for landfill and is close to a potential source of contaminated land. No details relating to land quality have been submitted as part of the proposal. However, given the limited scale of the domestic development and the scale of existing residential development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with Policy LP53 of the KLP.

Land Stability

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Mining Remediation Authority. Whilst falling within a high-risk area the Mining Remediation Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out regarding previous mining activity, which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable regarding ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework

6 – Representations:

None received

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.

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: 2026/92248

Officer Recommendation: Approve

Conditions

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 (as amended).

1. 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 to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP30 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies

within Chapters 3, 4, 5, 14, 15 and 17 of the National Planning Policy Framework.

2. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 14 of the National Planning Policy Framework.

3. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with Policy LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Should they be encountered Natural England must be contacted and where a licence is required, in relation to their removal or relocation, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Climate Change Statement			12/08/2026
Existing/Proposed Floor Plans	A Amended to planning - 500mm setback side ext 15.10.26		15/10/2026
Proposed and Existing Elevations	A Amended to planning - 500mm setback side ext 15.10.26		15/10/2026
Existing and Proposed Site Plan	A Amended to planning - 500mm setback side ext 15.10.26		15/10/2026
Proposed and Existing Elevations	A Amended to planning - 500mm setback side ext 15.10.26		15/10/2026
Proposed and Existing Side Elevations	A Amended to planning - 500mm setback side ext 15.10.26		15/10/2026

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought as it was considered that the proposal was not acceptable as submitted. Subsequently, amended plans were submitted and the proposal was deemed acceptable.

Report Dated:

20/10/2026

Coal – high