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:	**2026/62/92319/E**
Site Address:	47, Pyenot Avenue, Marsh, Cleckheaton, BD19 5AY
Description:	Erection of side extension and rear dormer
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.

John Holmes

AUTHORISED OFFICER

Date: 14-Oct-2026

THE SITE

The application site relates to 47 Pyenot Avenue, Marsh, Cleckheaton, BD19 5AY, a detached single-storey bungalow situated within a predominantly residential area. The property is of a modest scale and is constructed primarily of red brick with a hipped concrete tiled roof. The principal elevation faces the highway and features two windows, looking out towards a front garden enclosed by a low stone boundary wall and mature landscaping. A flat-roofed conservatory is attached to the side of the dwelling and to the rear, a box dormer window.

The rear garden is arranged over a series of terraced levels enclosed by boundary treatments and landscaping, reflecting the site's sloping topography. A driveway is located to the eastern side of the dwelling, providing off-street parking for at least one car and access to a detached garage.

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 a single storey side extension and rear dormer.

The side extension will abut the host dwelling by approximately 3.5 meters. The proposed materials include brick, rendering and concrete tiles to match the host dwelling.

To the rear of the property, the dormer will measure 1.7 meters in height and span across the width of the roof at approximately 6 meters. The proposed materials include UPVC to match the existing fenestration.

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 4th of October 2026. No representations were received.

ALLOCATION & POLICIES

The site is unallocated within the Kirklees Local Plan. 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. The site is also located within a swift nesting area and within a 250 meter buffer zone of a historic landfill site.
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 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
Chapter17 Pollution, public protection and security
Chapter 19 Conserving and Enhancing the Natural Environment.

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 extend the principal elevation by adjoining the original building line of the house. However, by virtue of limited width and it being set

back from the rear wall of the dwelling by approximately 2.43 meters, it would appear clearly subordinate to the host dwelling. The proposed would also replace an existing flat-roofed extension which would see a pitched roof to match and adjoin the existing structure. The use of matching brickwork for the front wall, together with appropriate detailing, such as fenestration reflective of the host property, would ensure that the extension integrates satisfactorily with the existing property and preserves its overall character and appearance.

Regarding the dormer to the rear, Section 5.4 of the House Extensions SPD and paragraphs 5.24, 5.25, 5.26 and 5.27 are of relevance here. The SPD states that dormers should, ideally, be located to the rear of a property and:

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane;*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

In this case, the proposed will be replacing an existing small dormer window also located to the rear. Though the proposed will be set at a level with the existing roof line, it will be in a similar vein with neighbouring properties, including immediately adjacent to the subject dwelling at Number 45, and on balance will appear more visually cohesive with the street as a result. In addition, the proposed fenestration is of a design and scale that is in-keeping with the existing openings and size of the dormer itself, at approximately 1.7 meters in height and set back at 1.30 meters from the eaves, results in a balanced visual appearance.

Given the sloping topography of the site and the distance from the highway, any potential visual impacts caused by the dormer is softened and from some perspectives, such as immediately outside the house on the street, are not visible. In addition, as noted by the case officer, there are numerous properties of similar age and scale in the vicinity which also feature flat-roofed dormers, several which appear to protrude from the original roofline.

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.

Conditions to ensure matching materials for the extension and dark grey colour finish of the walls of the dormer are recommended to ensure a suitable and cohesive appearance of the development as a result of them materials of construction. It is therefore considered that in terms of visual amenity, subject to condition, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and policies within chapter 14 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 45

The subject property sits attached to Number 45, a bungalow of similar scale and design. The proposed side extension, given its location on the right-hand side of the dwelling, would not give rise to any issues regarding residential amenity.

It is also considered that the proposed dormer would not give rise to any similar issues. Fenestration is proposed only at the front of the extension, overlooking the garden of Number 47. Though there may be some visibility into the garden of Number 45, this constitutes a non-habitable area and the angle of the proposed means that this would be limited.

Impact on Number 49

To the right of the host-dwelling (when viewed from the front) is another similar property, separated by two driveways and detached garages. Neither element of the application, it is considered, raise any significant issues regarding residential amenity, as no fenestration is proposed to the sides of the rear dormer and the side extension is buffered by the applicant's driveway and boundary features, such as a mature hedge and fencing. In addition, if these were to be removed, the proposed side extension would face onto a non-habitable space, namely the detached garage and driveway of Number 40, therefore reducing any impacts on neighbouring privacy.

It is therefore considered that in terms of residential 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 policies within Chapter 17 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 seeks will not significantly affect the on-site parking provision. Whilst the development would limit access to the side, and it is noted a detached garage is to the rear, it is noted there is parking to remain to the front of the driveway. The proposal would see the property be a 3 bed dwelling, which has a standard of 2 spaces. The front drive could accommodate a vehicle and there is scope to widen to achieve 2 spaces, although the impact in terms of loss of soft landscaping is not considered to be such that in this case it would be a requirement to do so.

When balanced against the extent of parking provision which would remain, and the beneficial visual impact of soft landscaping in the front amenity space in this case it is concluded the impact upon highway safety as a result of remaining vehicular parking provision is acceptable. The side driveway is difficult to navigate as existing and its usability for vehicular parking currently appears limited. As such, on balance, the proposal would be acceptable in this regard. Waste storage would remain within the curtilage of the site.

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

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which 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 area with swift birds the proposals are relatively modest and as such, are not considered to have an adverse impact on habitats or bird populations.

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.

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. 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.

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.

Land Quality and 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.

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 the development would be acceptable having regard to policy LP53 of the KLP and it would be unreasonable of the LPA to insist upon a scheme of land quality to be submitted as part of this application given the scale of the proposal.

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: 2026/92319

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).

2. 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.

3. Notwithstanding the plans submitted the external walls and roofing materials of the side extension 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.

4. Notwithstanding the plans submitted the walls of the rear dormer hereby approved shall be of a dark grey colour finish which shall 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan	Drg No 26/28		19/08/2026
Proposed	Drg No 26/78		19/08/2026
Existing	Drg No 26/78		19/08/2026
Location Plan	TQRQM26230095853478		19/08/2026

Plan Type	Reference	Version	Date Received
Climate Change Statement			19/08/2026
Application form			19/08/2026

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Coal – high