

**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:	2021/62/93308/E
Site Address:	34a, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AS
Description:	Erection of first floor front extension
Recommending Officer:	Alice Downham

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: 02-Feb-2022

Officer Report

Site Description

34a Huddersfield Road is detached dormer bungalow in Skelmanthorpe, Huddersfield, which occupies a corner plot between Huddersfield Road and Wood Street. It is faced in coursed natural stone, with a dual-pitched roof finished in natural blue slates. The property benefits from a single-storey rear extension. There is a driveway to the side of the property, accessed from Huddersfield Road, leading to hardstanding to the front and a detached garage to the rear. There are lawned gardens to the front, side, and rear. There is a protected tree (05/04/t1) to the south-eastern corner of the property.

The property is located in a residential area. The neighbouring properties are varied in terms of size, age, design, and construction materials. The Skelmanthorpe Conservation Area is to the east.

Description of Proposal

The applicant is seeking permission for the erection of a first-floor front extension. The proposed extension would serve a bedroom (no increase in the number of bedrooms). The approximate dimensions of the proposal are as follows:

1.9m deep x 4.7m wide x 6.1m maximum height (4.5m eaves height).

The first-floor front extension would be set down from the ridgeline of the host dwelling by approximately 0.1m. It would have a dual-pitched roof form to match the existing. All external materials would match the existing, as indicated on the submitted plans.

History of negotiations/amendments received

The original plans included a first-floor rear extension over the existing single-storey rear extension, which was removed from the plans due to officers' concerns over its design and prominence. The description was changed accordingly, and the amended plans were re-advertised.

Relevant Planning History

At the application site:

2004/91954 - Outline application of detached dwelling and erection of 2 storey and garage extension with room in roof space to existing dwelling. Conditional outline permission.

2004/94748 – Reserved matters application for erection of detached dwelling. Approval of reserved matters.

2011/91995 - Erection of single storey extension to rear. Withdrawn

2011/92596 - Erection of rear extension (modified proposal). Conditional full permission.

2016/91005 - Work to TPO(s) 05/04/t1. Part granted/part refused.

2021/94397 - Certificate of lawfulness for proposed erection of rear dormer. Granted.

At neighbouring properties:

2005/92655 – Erection of two storey extension (within a Conservation Area). Conditional full permission. (34 Huddersfield Road).

Representations

The application was advertised by neighbour letter, site notice and in the press due to the close proximity to the Skelmanthorpe Conservation Area. Final publicity expired: 03/01/2022 (amended plans publicity).

One representation was received following the original publicity period which raised the following concerns:

- “it is going up a level from being a bungalow ,to a first floor house”
- “a big bedroom window directly overlooking the front of our property (bedrooms and lounge).”
- “The bedroom window at the back that I have seen on the plans needs to be taken out or have obscured glass ,as it’s way too much of an overlook onto our property”
- “when the original bungalow was built it was built there and allowed as a one story with velux windows ,as it is too close to be two storey”
- “Also it does obstruct the view over the village that we now have of trees and greenery with making it higher at the back.”

No representations were received following the amended plans publicity period.

Denby Dale Parish Council were consulted and had no objections.

Officer comments will be made in section 6 of this report.

Consultation Responses

Kirklees Council Strategic Waste: formal consultation, provided landfill gas monitoring levels. This will be discussed further in the “Other matters” section of the report.

Kirklees Council HSE: informal consultation, provided an interpretation of landfill gas monitoring levels. This will be discussed further in the “Other matters” section of the report.

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.

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 National Planning Policy Framework 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 pre-dates 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 33** – Trees
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

The House Extensions and Alterations Supplementary Planning Document (SPD) was adopted by Kirklees Council on 29th June 2021. This carries full weight in decision making. The SPD 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 and the National Planning Policy Framework, 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 and alterations.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, 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.

The site is also located adjacent to the Skelmanthorpe Conservation Area and therefore consideration has been given to the impact on the historic environment in relation to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and historic environment:

The application property is located in a residential area. The neighbouring properties are varied in terms of size, age, design, and construction materials. It is important to note that a number of properties on this street have been extended or altered in some way, and it is therefore considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

In terms of design, the proposed extension would be finished in coursed natural stone and artificial blue slates to match the existing. The front extension would have a dual-pitched roof form to match the existing. The fenestration detailing would match the existing. In summary, the design, materials, and detailing are in keeping with the host dwelling and the local character and are therefore considered acceptable from a visual amenity perspective.

In terms of scale, the proposed extension would not increase the footprint of the building, although there would be an increase in bulk and massing. However, the host property and its associated curtilage is of a scale which would support the proposed extension without amounting to overdevelopment or appearing incongruous. The first-floor front extension would be set down from the ridgeline of the host dwelling by approximately 0.1m and would be less than half the width of the host dwelling. Therefore, the proposed first-floor extension is considered subservient to the host dwelling, which would remain the dominant feature following development. It is acknowledged that the first-floor extension to the front would have a degree of prominence in the street scene. However, this is considered acceptable given that the neighbouring properties are two-storey dwellings. In summary, the scale of the proposal is in keeping with the existing building and the local character and is therefore acceptable from a visual amenity perspective.

In terms of the detailed guidance for front extensions set out in the Council's House Extensions & Alterations SPD, the proposed first-floor extension to the front is considered to comply as the dwelling is set back approximately 6m from the pavement; the first-floor extension is subservient to the original dwelling, well-designed, and would not harm the character of the original house or the area; and the materials and design match the existing dwellinghouse.

Having taken the above into account, the proposed development 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, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

The Skelmanthorpe Conservation Area is to the east of the applicant property. After an informal consultation with a Kirklees Council Conservation & Design officer, they consider that this development would not have a harmful impact on the Conservation Area due to the in-keeping design and materials, and that the existing property is modern. The proposal therefore complies with Policy LP35 in the Kirklees Local Plan and Chapter 16 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 proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 36 Huddersfield Road

This is the adjacent property to the west of the application site. A separation distance of approximately 3.9m would be retained between the proposed first-floor front extension and the shared boundary with this neighbour. There would be no additional windows to the western elevation. Taking the above into account, and considering that there would be no increase in footprint as a result of the proposed development, it is considered that there would be no significant impacts on the amenities of 36 Huddersfield Road as a result of this element of the proposal.

Impact on 1b & 1c Wood Street

These are the neighbouring properties to the northwest (rear) of the application site. These two-storey dwellings occupy a slightly higher elevation than the applicant property and are set at an angle relative to the applicant property. Given that these neighbouring properties are to the rear, it is considered that the proposed first-floor front extension would have no impacts on the amenities of 1b & 1c Wood Street.

Impact on Salt Pie Cottage, 2 Wood Street

This is the neighbouring property to the northeast of the application site, on the opposite side of Wood Street. This two-storey dwelling occupies a slightly higher elevation than the application property and is set at an angle relative to the applicant property. Given that this neighbouring property is to the rear, it

is considered that the proposed first-floor front extension would have no impact on the amenities of Salt Pie Cottage, 2 Wood Street.

Impact on 34 Huddersfield Road

This is the neighbouring property to the east of the application site, on the opposite side of Wood Street. This two-storey dwelling is set forward and at an angle relative to the application property. Given that development would come no closer to this neighbour as a result of the proposal, it is considered that there would be no significant additional overshadowing or overbearing impacts. There would be no additional windows in the eastern elevation. Therefore, there would be no significant additional overlooking impacts on 34 Huddersfield Road.

Impact on 2 Garrett Close & 19 Huddersfield Road

These are the neighbouring properties to the front elevation of the application site. The proposed first-floor front extension would have no significant impact upon the amenities of 2 Garrett Close & 19 Huddersfield Road, given the separation provided by the front gardens of the dwellings and the road in between (at least 25m). Furthermore, the existing windows in the front elevation of the applicant property already look towards these neighbours and serve habitable rooms. Therefore, the new windows would have no significant additional impact over and above the existing arrangements on site.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.” Key Design Principle 4 states that “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.” Key Design Principle 5 states that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.” Key Design Principle 6 states that “extensions and alterations should not unduly reduce the outlook from a neighbouring property.” In this instance, the current proposal would not result in any significant adverse impacts on privacy, natural light, or outlook for inhabitants, future occupants, and neighbours, as discussed above. The proposal thereby complies with Key Design Principles 3, 4, 5, and 6 of the SPD and Policy LP24 (b) of the Kirklees Local Plan.

Key Design Principle 7 states that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.” In this instance, the current proposal would not result in any increase in the footprint of the host dwelling and as such there would be no loss of amenity space. The proposal thereby complies with Key Design Principle 7 of the SPD and Policy LP24 (b) and (c) of the Kirklees Local Plan.

In terms of the detailed guidance for front extensions set out in the Council's House Extensions & Alterations SPD, the proposed first-floor extension to the front would not unreasonably affect the neighbouring properties (as discussed above).

Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 and the detailed guidance in the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposed extension would serve a bedroom (no increase in the number of bedrooms). The proposed development is therefore unlikely to result in any intensification of the domestic use of the dwelling and would not affect the existing parking arrangements at the site (driveway to the side of the property leading to hardstanding to the front and a detached garage to the rear). The current parking arrangements would provide space for at least three vehicles and as such are considered sufficient and would maintain appropriate access and off-street 'in curtilage' parking.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

House Extensions and Alterations SPD

The guidance and additional details on Local Plan policies set out in the House Extensions and Alterations SPD are based on the principle of 'comply or justify'. The proposed development complies with the adopted SPD. This planning application was submitted after the adoption of the SPD, which therefore is a material consideration in the determination of this application which adds additional weight to the recommendation for approval.

Protected Trees

There is a protected tree located in the south-eastern corner of the applicant property, in the front garden. Given the distance that would be retained between the proposed extensions and the protected tree, it is considered that the protected tree would not be affected as a result of the proposed development. The proposal is therefore considered to comply with Policy LP33 of the Kirklees Local Plan.

Landfill Gas

KC Strategic Waste and KC HSE have both reviewed the application. The consultee responses highlighted that there are two closed landfills within 250m of the application site. KC Ref 28 lies approximately 166m away. This former quarry accepted 2500m³ of solid, inert, incombustible, and non-putrescible construction, demolition, and excavation waste. LFG figures are unknown for this site. A new housing development now sits atop this site since 2016. A small landfill lies approximately 80m away for which there is no information in the council's records. However, built development exists between the application site and this smaller historic landfill site. In light of this, it is considered that land fill gas conditions are not required in this instance. However, it is considered appropriate to attach a precautionary footnote to the decision notice. The footnote recommends that the applicant should consider carrying out landfill gas monitoring prior to developing the site. This would ensure that the proposal complies with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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 would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

One representation has been received which raised the following concerns:

- “it is going up a level from being a bungalow ,to a first floor house”
Officer comment: *This is noted. The existing dwellinghouse benefits from an living space in the loft (first floor) and a rear dormer.*
- “a big bedroom window directly overlooking the front of our property (bedrooms and lounge).”
Officer comment: *Overlooking is a material planning consideration which has been discussed in the “Impact on residential amenity” section of this report.*
- “The bedroom window at the back that I have seen on the plans needs to be taken out or have obscured glass ,as it’s way too much of an overlook onto our property”

Officer comment: *Overlooking is a material planning consideration which has been discussed in the “Impact on residential amenity” section of this report.*

- “when the original bungalow was built it was built there and allowed as a one story with velux windows ,as it is too close to be two storey”
- **Officer comment:** *The planning history of the applicant property and the surrounding properties has been noted. This application has been assessed on its own merits.*
- “Also it does obstruct the view over the village that we now have of trees and greenery with making it higher at the back.”
- **Officer comment:** *Loss of view is not a material planning consideration.*

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer’s assessment.
- Matching materials to ensure that the proposed development harmonises with the host dwelling.

Notes will also be added regarding landfill gas monitoring, the recommended hours of work, and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application for erection of a first-floor front extension at 34a Huddersfield Road, Skelmanthorpe, Huddersfield, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93308

Officer Recommendation: Approve

Conditions and Reasons

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP33, LP35, LP51, LP52, and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the first-floor front extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The applicant is hereby advised that there are two closed landfill sites within 250m of the application site. One of which is developed, the other for which there are no records on the types, depth and volume of waste used to fill the site. It is therefore advised that the applicant may wish to carry out landfill gas monitoring prior to development to establish whether landfill gas levels are present. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of 07.30 and 18.30 hours, Mondays to Fridays, and 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Proposed Elevations	496 A12 Elevations as Proposed	907973	23/11/2021
Proposed Floor Plans	496 A11 Plans as Proposed	907972	23/11/2021
Existing Floor Plans	496 A01 Plans as Existing	890738	19/08/2021
Existing Elevations	496 A03 Elevations as Existing	890737	19/08/2021
Locations Plan	496 A10 Site Location Plan	890736	19/08/2021

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The original plans included a first-floor rear extension over the existing single-storey rear extension, which was removed from the plans due to officers' concerns over its design and prominence. The description was changed accordingly, and the amended plans were re-advertised.

Report Dated: 01/02/2022