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:	**2022/62/91691/E**
Site Address:	37, Holly Road, Scissett, Huddersfield, HD8 9GT
Description:	Erection of first and second floor side extension
Recommending Officer:	Katie Wilson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 21-Mar-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/91691
Location	37, Holly Road, Scissett, Huddersfield, HD8 9GT
Proposal	Erection of first and second floor side extension
Publicity end date	1st July 2022
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Without notation
Extension to Time (EoT)	Yes **EoT Date: 21/03/2023**
Recommendation	Conditional Full Permission

	NO	**YES**
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

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 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought (Denby Dale)	Yes	No objections
Planning History		

		2005/92469 – erection of 92 dwellings with garages. Section 106 full permission. Planning application details | Kirklees Council
Consultations required	No	

Assessment

The Kirklees SPD sets out that two storey extensions should comply with certain dimensions set out at paragraph 5.20 on page 29 (and listed below) and if they do not, they need to be justified:

Two-storey side extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
not take up all or most of the space to the side of a house	Yes – It would be directly above the existing single storey element, and a 1.2m separation would be retained along the side boundary.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	Yes – a 1.2m separation would be retained to the boundary. Neighbouring property at 39, Holly Road is to the north east and approximately set in 2.0m.	
be set back at least 500mm from the front wall of the house	Yes, it would be set back 0.7m from front elevation	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: It comprises a newly built detached 2-storey house with single storey integral garage attached to the side. The walls

are artificial stone and the roof is dual pitched with gables to front and rear of two-storey element, and mono-pitched over garage with hips to front and rear, together with wrap around canopy to the front. The roof is surfaced in grey/brown concrete roof tiles.

The land is relatively flat and the house is set back from residential access road with small garden and driveway to front suitable for two vehicles to park in parallel. At the back is a moderately sized garden enclosed by other gardens to either side and detached garage together with a claimed public footpath subject to an application to create a PROW (a definitive map modification order – DMMO).

The site is on the western edge of a larger housing estate that is partially complete. The properties are of various designs and the road layout circuitous. The footprint of the house is also behind that of the neighbouring properties to either side.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Relatively modest first and second floor side extension (second floor within over existing ground floor element. Set back from the road and no clear building line to front or rear.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	It would appear subservient to the original building by virtue of its width and set back from front elevation. No clear building line along the front or rear of these properties	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	As above	

	• Chapter 12 of the NPPF		
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing and roofing materials along with window openings all to match existing	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Dual pitched roof to match existing with side facing gable	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Window proportions to match the existing	
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into and around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- *39, Holly Road – on adjacent land to the north east. In terms of privacy, the proposed extension gable end would face towards the rear of this neighbouring property but is a blank elevation. Recommend that new openings are controlled by condition. Rooms served would have other windows overlooking front and rear garden.*
  In terms of light and outlook, whilst the massing of the proposed extension could cast some additional shade, over and above the existing, it is considered that this would be minimal. 39, Holly Road would also retain existing outlook to the front and in a northern and north eastern direction. The proposed extension would have some potential to limit outlook from the rear of this neighbouring property in a

westward direction, bit it is considered that over and above the existing situation this would be relatively minimal. As such on balance this impact would be acceptable.

- *41, Holly Road – on adjacent land to the north. It has windows facing the rear of 37, Holly Road, but indirectly and with a separation distance of approximately 18.5m. Given these circumstances, it is considered that there would be very limited overlooking, overshadowing or overbearing impacts.*
- *22 and 24, Holly Road – to the south east and on opposite side of road and indirect relationship to the front of the proposed extension. There would also be a gap of approximately 22.0m between the properties. In these circumstances it is considered that there would be no significant overlooking, overshadowing or overbearing impacts.*
- *35, Holly Road – on adjacent land to the south. It is considered that this property is unlikely to be affected by the proposed extension because it would be screened by the existing building at the application site.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable for the reasons set out above.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	On balance, acceptable for the reasons set out above.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	All the outdoor private amenity space would be unaffected by the proposed side extension	

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The existing property has 4 bedroom and three off street parking spaces. The proposal would create a 5 bedroom property with three off street parking spaces from a residential estate road. It is considered that this would be acceptable from a highway safety point of view.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As above	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Existing household waste storage and collection would be unaffected by the proposed extension.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees	n/a	

	• Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat Alert layer - The building is in good order, well-sealed and unlikely to have any significant bat roost potential. A cautionary note is recommended.	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures 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.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	Addressed ✓ / X / N/A
n/a		

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers
Application Number: 2022/91691
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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 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 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the 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 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 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the north-east facing side gable elevation of the side extension hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Principles 1, 2, and 3 of the House Extension Supplementary Planning Document and the policies contained within chapter 12 of the National Planning Policy Framework.

NOTE: Should any bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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, 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 may 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	Version	Date Received
Location plan	Dwg no. HR01.#		17.05.2023
Existing site plan	Dwg no. HR02.#		17.05.2023
Floor plans and elevations as proposed	Dwg no. HR03.#		17.05.2023
Proposed site plan	Dwg no. HR04.#		17.05.2023
Floor plans and elevations as proposed	Dwg no. HR05#		17.05.2023

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. It was not considered necessary to seek any amendments/further information during the course of the application.

Report Dated: 21.03.2023