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:	**2022/62/92366/E**
Site Address:	12B, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DA
Description:	Erection of side carport and two storey side extension with rear balcony
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: 28-Mar-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/92366
Location	12b, Commercial Road, Skelmanthorpe, HD8 9DA
Proposal	Erection of side carport and two storey side extension with rear balcony
Publicity end date	26th September 2022
Number of representations received	One
Kirklees Local Plan Allocation/Designation	Unallocated but within town centre boundary
Extension to Time (EoT)	Yes **EoT Date: 28/03/2023**
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	Yes	Amendments to the design to make it more in-keeping with the host building and surrounding area.
Parish/Town Council comments sought (Denby Dale)	Yes	No objections

Planning History	Yes	At application site - 12, Commercial Road: • 99/90503 – Change of use of part of ground floor to electrical sales showroom (A1 retail use). Conditional full permission. • 99/91652 – Change of use of first and second floors to shop and art gallery and external alterations. Conditional full permission. • 20/93848 – Replacement shop front to existing store. Conditional full permission At 10b, Commercial Road (formerly 10a and 12, Commercial Road now 10b, Commercial Road): • 2008/93187 - Change of use of part of ground floor, first floor and second floor residential accommodation to retail. Conditional full permission. • 2019/90948 - Change of use of ground and first floors from retail (A1) to beauty salon (sui generis). Conditional full permission. Adjacent property 10, Commercial Road: • 2010/92314 – Erection of extension to form garage and office with games room and roof balcony. Refused. • 2011/91997 - Erection of extension to form garage and office with roof balcony, and alterations to existing garage to form habitable room. Conditional full permission.
Consultations required	Yes	KC – Highways development management

		KC – Strategic Waste

Assessment

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters 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 set back from the front elevation approximately 3.0m, and in from the boundary around 0.8m	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No - although the gap to the boundary is in some places 0.8m, in other sections it is over 1.0m from the boundary. The gap to the neighbouring property at that side would be approximately 4.0m, ensuring it would not be too close. It would also be set back from the front elevation around 3.0m
be set back at least 500mm from the front wall of the house	Yes – the proposed extension would be set back from the front elevation approximately 3.0m.	

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

Summary of local street scene/character: The application relates to 12b Commercial Road, a two-storey, end-terraced property. The building is constructed from stone and is designed with a gable roof form, which is finished in roof tiles. It is one of a block that line the southern side of this stretch of Commercial Road, to the western end of the centre of Skelmanthorpe.

A Prior Approval Notification has recently been approved for the change of use of the first and second floor (roof space) of the property to residential accommodation (2020/94018). This appears to have been implemented. There is an area of existing hardstanding, which runs to the side and rear of the site.

The site is located within the Skelmanthorpe District Centre, which comprises properties which are of a mix of commercial and residential uses.

Consideration has been given here in terms of the amended 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	A relatively modest extension, significantly set back from the front elevation with ridge level below existing and matching eaves level. It would also have external wall and roof materials to match existing and similar window openings. As such it is considered that it would complement the design of the host building and fit comfortably into the street-scene.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	As above.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed extension would be subordinate to the host building being set back from the front elevation around 3.0m and ridge height around	

		1.0m below the existing ridge level.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The wall materials would be matching reclaimed coursed natural stone and the roof surfaced in matching plain concrete tiles.	
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 to match the existing	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Similar, although not exactly the same at the front and not matching but acceptable at the back.	
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 / around the property	

The design of the amended 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 by the amended scheme are:

- *10b, Commercial Road – This is the adjoining terraced house attached to the western side of the house at the application site.*
  The main impact would be from the proposed raised balcony which would project around 1.5m and be 2.4m from the mutual boundary. In officers' opinion this could lead to overlooking the neighbouring back yard of 10b, Commercial Road, and so it is recommended that a condition requiring a screen fence along the western side of the balcony be added to the decision notice.

- *14, Commercial Road – This is a 3-storey detached building, restaurant and takeaway at ground floor with accommodation above. It is to the*

east of the application site and its side elevation faces that at the application site with access drives in between.
In terms of overlooking, there would be no openings in the side elevation of the proposed extension. There are however three small windows in the facing gable end of this neighbouring property. Whilst it is unknown what type of rooms they serve, given their size it is unlikely that they would be the main source of light to habitable rooms, and larger windows are to the front and rear elevations. As such it is considered that the outlook from these windows would be significantly altered by the proposed extension.
In terms of overshadowing and overbearing, the proposed development would retain a gap of approximately 4.0m between the properties. The proposed extension would also be below the overall height of the host building and 14, Commercial Road is a three storey building. In these circumstances it is considered that there would be no significant overshadowing or overbearing impacts.

- *12a, The Courtyard, Skelmanthorpe – this is a two storey detached house to the south of the application site and on higher ground. It would be in excess of 30.0m from the proposed extension. Given the separation distance and the change in level, it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.*

	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	As above	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The proposal would retain a moderately sized south facing back yard and is officers' opinion this is sufficient for the enlarged building.	

The amended 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 application has been assessed by highways officers who raise no objections subject to condition relating to surfacing and drainage of parking area.	
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	Domestic waste bins are shown to be stored at the back of the building. The drawings indicate that there would be sufficient space to wheel them to the front on collection days. Bins for the shop at ground floor level, are shown to be stored to the side of the driveway. Both these arrangement s are considered acceptable.	

The amended 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 • Chapter 12 of the NPPF	n/a	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	n/a	
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 site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The amended 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
Comments in relation to initial scheme with three storey side extension.	The scheme has been amended so that it is no longer three storeys. It is now two storeys heigh and in officers' opinion now sits comfortably in relation to the host building and the character of the surrounding area.	✓

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: 2022/92366
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. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout, compliant with policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the Council's Home Extensions and Alterations Supplementary Planning Document and policies within Chapter 9 of the National Planning Policy Framework.

5. Before the raised balcony is first brought into use a side screening panel at least 1.8m high shall be erected on the west facing side of the balcony. The screen shall be constructed of obscurely glazed glass (minimum grade 4) or be constructed of materials that provide the same screening effect and shall be retained thereafter and when necessary, replaced like for like.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policies LP24 of the Kirklees

Local Plan, Principles 1, 2, and 3 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

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. 04		13.07.2023
Plans and elevations as existing	Dwg no. 01		13.07.2023
Block plan	Dwg no. 05		13.07.2023
Proposed floor plans	Dwg no. 02	Rev B	08.03.2023
Proposed elevations	Dwg no. 03	Rev B	08.03.2023

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. amendments received to make the proposal more in-keeping with host building and character of the area.

Report Dated: 27.03.2023