

**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:	2022/62/92971/W
Site Address:	59, Fixby Road, Fixby, Huddersfield, HD2 2JB
Description:	Erection of two storey side and two and single storey rear extensions with external alterations
Recommending Officer:	Laura Yeadon

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: 30-Jun-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/92971
Location	59, Fixby Road, Fixby, Huddersfield, HD2 2JB
Proposal	Erection of two storey side and two and single storey rear extensions with external alterations
Publicity end date	14 th October 2022
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land
Extension to Time (EoT)	Yes EoT Date: requested to 20.6.2023
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	✓	

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

- NPPF Chapter 15 – Conserving and enhancing the natural environment

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 30** - Biodiversity
- **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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Amended plans were requested which demonstrated the extent of development proposed due to other applications submitted within the site – received 9th October 2023 Further amendments were requested to align the application with the current requirements of the SPD whereby the roof line of the two storey side extension was lowered – received 8th February 2023 under reference number 1978-22-003 – Rev: D. It was noted that the red line boundary of the site included land forming part of the adopted highway

		which is outside the ownership of the applicant. As a consequence, the red line boundary was reduced to only include land owned by the applicant.
Parish/Town Council comments sought	N/A	
Planning History		<u>Application site</u> 2019/92709 – Erection of extension and alterations to outbuilding and garage to form one dwelling and widening of vehicular access to Fixby Road – Approved <u>Attached property No. 57</u> 1989/07343 – Erection of 2 storey extension to form enlarged sales area, 2 bedrooms and bathroom – Approved 2005/94734 – Alterations to existing garage – Refused 2006/94561 – Erection of storage unit – Approved 2011/92679 – Installation of ATM and associated works – Approved 2019/92708 – Certificate of lawfulness for proposed change of use of grand floor from residential to retail – Refused 2022/93096 – Erection of extension and external staircase – <i>under consideration – not yet determined – committee decision request submitted</i> 2022/93373 – Erection of extensions and alterations to outbuilding and garage to form one dwelling – <i>under consideration – not yet determined</i>
Consultations required		None

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Assessment

The application seeks permission for the erection of a two storey side and two storey and single storey rear extensions. The existing bathroom extension and conservatory shall be removed to allow for the construction of the extension.

The proposed works would result in a wrap around style extension to the property. The two storey extension would be set back from the front elevation of the property by 0.5 metres and would project to the side by 3.4 metres spanning the full depth of the property, projecting off the rear elevation by 4 metres at the ground floor level.

The extension would span the width of the dwelling being set in from the shared boundary with the attached property by 0.5 metres. To the rear, the extension would be single storey at the 4 metre projection and at first floor the extension would project 2 metres. The roof line of the two storey extension would be set down from the existing with the double hipped roof to the rear set much lower than the existing roof.

The proposed construction materials would be brick and render with a concrete tiled roof and uPVC windows and doors to match the existing.

The Kirklees SPD sets out that two storey side extensions and two and single storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.8, 5.16 and 5.20 on pages 23, 24, 25 and 29 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – the amenity area to the rear would be preserved to a reasonable size	
Be set behind the original building, and not projecting beyond the sides	Yes – it is proposed that the rear extensions would be incorporated into the development by tying into the proposed two storey side extension and rear roof slope, and being set	

	lower than the ridge of these roof slopes.	
Maintain external access to the rear garden	Yes – external access to the rear garden will be maintained to the side of the proposed extension	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Yes – the size is considered proportionate to the original house and garden having regard to the building to which it is attached and the level of development previously undertaken to that property. In this case the proposal would read as proportionate in this context.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Yes – it would comply with this	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties		No - the rear extension would project by 4 metres at ground floor and 2 metres at first floor – adjacent property No. 57 is retail at ground floor with residential above – within same ownership. The building to which the dwelling is attached has been significantly extended and is of a size and scale which is such that in this case a ground floor 4m projection from the dwelling would not

		have a significant impact.
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		No – the rear extension would have an eaves height of over 3 metres and would be within 1.5 metres of both side boundaries – this due to the fact the extension is two storeys in height. Given the development to the attached building this is considered to be acceptable in this case.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metres		No – the rear extension would not be set in by both side boundaries by 1.5 metres however is set in from the boundary with No. 61 by 1.2 meters which retains a sense of space around the building with the existing dwelling already developed up to the boundary with no.57.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	Openings within side elevation of No. 61 are to a garage with openings within that dwelling that appear to be non-habitable	
Side extensions should:		
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – the proposed side elevation would be set in from shared boundary and separated from neighbouring dwelling by single storey attached garage. Whilst	

	there would be some impact to windows serving the garage these are non habitable and it is considered it would be unreasonable of the LPA to refuse permission on such as basis.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – the openings within the side elevation facing the No. 61 would be non-habitable openings. Other windows would not protrude beyond the plane of the front elevation of the host property, and are considered sufficient distance from properties to the rear to ensure no significant impact.	
Two storey side extensions should:		
not take up all or most of the space to the side of a house	Yes – the extension would be set in from the shared boundary with No. 61 by 1.2 metres	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	Yes – it would comply with this	
be set back at least 500mm from the front wall of the house	Yes – the extension is set back from the front of elevation of the house by 0.5 metres	

Design and Visual Amenity:

The host property is a semi-detached property which has been previously extended by a ground floor bathroom and conservatory.

The attached property, No. 57 is under the same ownership as the application site as is the existing outbuilding/garage which is to the rear of the pair of properties and is accessed off Broomfield Road. The attached property is a retail unit at ground floor known as Fixby Stores with residential accommodation above.

The host dwelling is two storeys in height and constructed from brick at ground floor and render at first floor to all exposed elevations. There are amenity areas to the front and rear which are finished in hardstanding. Off-street parking is available to the front of the property which is accessed off Fixby Road.

There are planning applications submitted for works to extend the store to the attached retail unit and also to extend and alter the existing outbuilding/garage to the rear to create one dwelling. These applications are currently under consideration however, are a material consideration to the determination of this application and are taken into account in the following assessment.

Surrounding properties are predominantly semi-detached with rendered first floors and bay windows.

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	Properties within the area are similar in terms of design, some of which have been previously extended. Two storey bay window would be retained, in keeping with street scene	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Extensions cumulatively would be subservient with the roof line to the rear extension set significantly down from the existing ridge and the side extension set slightly down. Front elevation of side extension is set back from the front elevation	✓

		retaining host property as dominant element	
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	Increase in massing by virtue of cumulative impact of extensions. Hipped roof design retained within the side extension and also, low hipped roofs within rear elevation	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing materials to match the existing with fenestration details also in keeping. Two storey bay window detail retained within existing property	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Hipped roof to side extension and low hipped roofs to rear elevation. In keeping with original roof	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Openings to match existing openings in terms of size and proportions. Proposed bank of patio doors within ground floor rear extension acceptable for a residential extension	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangements to the front of the property accessed off Fixby Road	✓

The design of the proposal is therefore concluded to be 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:

- No. 57 Fixby Road / detached garage to be converted – attached neighbouring property – ground floor retail with living accommodation above – within same ownership as application site and detached outbuilding/garage which has an extant permission to be converted to a dwelling.
- No. 61 Fixby Road – adjacent property to the west of the site – separated from site by single storey attached garage extension which is set in from shared boundary and side amenity space.
- 67 Broomfield Road – Property to the rear of the dwelling, at a distance of 17m. This property has a rear to side relationship with the host property.

	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	Openings facing No. 61 are non-habitable and therefore minimal concerns – no openings facing attached neighbouring property. There are no boundary treatments separating the host dwelling from the amenity space for the attached property or the proposed amenity space for the converted and extended garage/outbuilding given under one ownership. There is no boundary screening between the habitable room openings within the extensions and outbuilding/garage and the proposed garden area for the dwelling however as the proposed	✓

		dwelling is within the blue line boundary the land is currently within ownership of the applicant it is not considered necessary to require the submission of details of screening in this case. Given the distance from no.67, the impact upon this property from overlooking is not considered significant.	
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	Limited impact on No. 61 as this is located to the west of the site and both properties set in from the shared boundary. The first floor extension to the rear elevation is set back to a 2 metre projection which would be on a similar building line to the neighbouring dwelling. There is considered to be limited harm from the single storey element to the rear. In addition it is noted the windows to the side of no.61 serve a non habitable room (garage) for that property. The attached neighbouring property has a currently undertermined application to extend the store at single storey height to the rear of the existing extension and the garage building and amenity area to the rear of the garage separates the application site from the neighbouring dwelling to the south. It is proposed that the	✓

		garage/outbuilding is converted to one dwelling however the impact of that scheme shall be assessed under that application. The impact of the proposal is not considered significant to these other undetermined applications given its scale and distance from the other proposals.	
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As the proposed two storey elements of the scheme would be on similar building lines to No. 61, there is considered to be limited impact to this property, taking account of the non habitable windows to the side of no.61. In terms of the attached neighbouring property, as the first floor rear extension would have a limited projection of 2 metres, the 45 degree rule would be met. In terms of the impact on the proposed conversion, as application site is to the north of this potential dwelling there would be little impact from this scheme	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable remaining level of garden space remaining	✓

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	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	It is proposed that the area to the front of the property would be used for parking with the proposed site layout plan indicating that 3 no. spaces can be achieved. The submitted plans show three spaces, which could be accessed using the existing access to the site and, given the width of the front amenity space, there would be the retention of some front amenity space which could be still be utilised for soft landscaping without the entirety of the front amenity space being utilised for parking. It is therefore concluded the proposal would have an acceptable impact taking account of the off street parking provision that would be provided.	✓

Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Sufficient space available within red line boundary and as rear access would be maintained bin storage can be to the rear.	✓
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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 • Chapter 12 of the NPPF	None	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat alert layer – roof well sealed – note to be added to decision notice	✓
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. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and	The rear garden and landscaping would be retained to allow for run-off. The site is not	✓

	LP34 of the KLP	located within an identified Flood Risk Zone 2 or 3 area.	
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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
None		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: 2022/92971

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, LP30 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 16 and 16 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 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, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, proposed site plan, existing and proposed elevations and floor plans	1978-22-003 – Rev: E		30 th June 2023
Planning Statement	Malcolm Sizer Planning Ltd		8 th September 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. Amended plans were requested to demonstrate all the proposed works within the blue line boundary and also to set the roof down to comply with the SPD.

Report Dated: 26th June 2023

