

**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:	2023/62/90065/W
Site Address:	55, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX
Description:	Erection of single storey rear extension with terrace over, first floor extension over garage, alterations to drive layout and solar panels to front and rear elevations
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: 13-Mar-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90065>

Site Description

55 Meadow Lane is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a concrete tiled roof and uPVC windows and doors. The property is located on the western end of Meadow Lane and has a south facing rear elevation. Due to topography, the property is two storeys in height to the front elevation and three storeys to the rear. To the front of the property is a small garden and driveway which leads to an attached garage and to the rear is a larger sloped garden area.

Surrounding development is mainly residential and beyond the facing dwellings to the north are open fields which are in the designated Green Belt. To the south east is the local Cricket pitch and pavilion which is within an area defined as Urban Greenspace. The properties directly south of the property are set on a much lower ground level with a ground level difference of approximately 5 metres.

Description of Proposal

The application is for the erection of single storey rear extension with terrace over, first floor extension over garage, alterations to drive layout and solar panels to front and rear elevations.

The measurements of the proposal are as follows:

Single storey rear extension with terrace over

- 3.2m in projection
- 5.5m in width
- 2.9m in height

The proposed extension would have fully glazed walls with a terrace over with 1.1m high glazed balustrade to the rear elevation and a 1.8m high balustrade to the side elevations.

First floor extension over garage

It is proposed to construct a first floor extension over the existing garage. The extension would have elevations that would lie flush with the existing ground floor elevations with the eaves height being raised to match the existing and the

roofline extended, also to match the existing height. A gable would also be formed within the front elevation roof slope. The proposed construction materials would be stone for the walls, tiles for the roof and uPVC for the windows and doors.

Alterations to drive layout

It is proposed that the existing driveway is widened to enable 2 no cars to be parked side by side it is proposed that part of the lawn would be removed and replaced with drained tarmacadam.

Solar panels to front and rear

It is proposed that solar panels would be located within the front and rear elevations of not the existing and the proposed extended roof slope.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being considered acceptable in its submitted format.

Relevant Planning History

- 1987/02056 Outline application for residential development
Granted Conditionally
- 1991/01122 Erection of residential development
Refused
- 1991/01123 Renewal of outline permission for residential development
Conditional Outline Permission
- 1993/93162 Erection of residential development
Approval of reserved matters
- 1996/90026 Variation of condition 1b relating to expiry dates on previous approval 93/61/03162/W1 for erection of residential development
Conditional Full Permission
- 1996/91180 Renewal of unimplemented outline permission for residential development
Conditional Outline Permission
- 2004/90156 Erection of 61 dwellings with garages
Section 106 Full Permission
- 2007/91800 Erection of 8 dwellings with garages (amended house types)
Conditional Full Permission

2012/93226 Compliance of Conditions on previous permission 2004/90156 for erection of 61 dwellings with garages
Refused

2012/93228 Compliance of Conditions on previous permission 2007/91800 for erection of 8 dwellings with garages (amended house types)
Approved

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 3rd March 2023 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

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

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- *Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *Be set behind the original building, and not projecting beyond the sides;*
- *Maintain external access to the rear garden;*

- *Respect the original house and garden in terms of its size and scale;*
- *Use appropriate materials which match or are similar in appearance to the original house; and*
- *Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.*

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- *be in keeping with the scale and style of the original house*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

Two storey and first floor side extensions

Section 5.3 relates to side extensions and states that:

“Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

Side extensions should maintain the quality of the environment for neighbours by:

- *Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and*
- *Positioning windows to minimise or avoid any potential overlook into neighbouring gardens.”*

Paragraphs 5.21-5.22 of the SPD relate to two storey and first floor side extensions and state:

“Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semidetached or detached houses.

Two -storey and first floor extensions should:

- *Ideally be visually smaller in relation to the original house;*

- *Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- *Have a roof design that allows the form of the existing roof; and*
- *Retain a gap of at least 1m to boundary walls to avoid a terracing effect and to retain access to gardens”*

Balconies/Terraces

Paragraph 5.28 of the SPD states and balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- *Positioned, and screened, if required, so that they do not overlook neighbouring homes or gardens*
- *Sited away from locations that are sensitive to additional noise levels or disruption*

An assessment of the proposal against these policies and the principles and the relevant design guidance of the House Extensions and Alterations SPD will be undertaken below within this report. An assessment in relation to whether the principle of the development is acceptable in this case is concluded within this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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 proposed works would comprise of a single storey rear extension with terrace over, first floor extension over the garage, alterations to the driveway layout and solar panels to the front and rear elevations.

In terms of the proposed rear elevation extension and terrace, by virtue of the works being single storey in height with a limited projection to 3 metres it is considered that this element of the scheme would be subservient to the host dwelling, as required within paragraph 4.5 and Key Design Principle 2 of the SPD. The extension would have a contemporary design, in line with the relatively modern dwelling and whilst projecting slightly more than 3 metres, it is not considered that this would be detrimental in terms of visual amenity. A space of more than 1 metre would be retained between the extension and boundaries and therefore a sense of space is retained around the building. The existing openings within the ground floor elevations would be altered from windows to doors to allow access on to the terrace. The proposed balustrade would be glass to allow for views and access would be enabled via the rear of

the garage and via the living room. As glass is proposed, this would appear as a much less prominent structure when viewed from vantage points within the vicinity.

With regard to the first floor extension, this would be constructed off the existing ground floor elevations and would have a roof line which would not be set down from the existing nor would it have a front elevation which would not be set back from the existing dwelling and therefore is not compliant with the requirements of the SPD. However, the proposal replicates the design of the existing dwelling by featuring a gable roof within the front elevation roof slope. Whilst the roof is not set down from the existing, it is not considered that the resultant works would be visually intrusive within the street scene and due to the orientation of the application site to the adjacent neighbour, No. 53, it is not considered that a terracing effect would occur.

In this case the dominant front gable would be that in place already and it is considered the addition would read as subservient in this case. It is considered there would be no significant design benefit to a set back / down of the proposal in this case.

Due to the extent of curtilage and as demonstrated on the submitted proposed site plan, the works are not considered to result in an overdevelopment plot as a useable garden space would remain. As the footprint of the building would only be extended by the modestly sized rear extension it is considered that the remaining amenity space is considered to be acceptable.

It is not considered that the proposed roof lights or solar panels would be detrimental to visual amenity.

It is therefore considered that the overall design of the proposal is acceptable in terms of size, scale and massing and the extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the SPD on House Extensions and Alterations and policies within Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.

In terms of overlooking, openings are proposed within the front and rear of the first floor extension, the side and rear of the garden room extension and overlooking from the proposed terrace.

In terms of the first floor extension openings, these would not decrease any established separation distances between neighbouring dwellings and therefore acceptable. In terms of the single storey garden room it is proposed that the side and rear elevations would be glazed. The orientation of the host dwelling is set at an angle to the neighbouring property, No. 53, facing away from it. In addition, the proposed glazing at garden level would be screened by the existing fence and hedging. In terms of the terrace itself, as this set at ground floor level at a raised height, the terrace side elevation of the terrace would not benefit from the fence and hedge screening. It is noted that the submitted plans indicate that the screen to the side elevation of the terrace would be 1.8 metres in height. Given the relationship between the terrace and adjacent neighbour, it is considered that some level of overlooking is likely to occur and therefore it is considered reasonable in this instance to add a condition ensuring that the side elevation of the terrace facing No. 53 is fitted with a privacy screen to protect the neighbouring property from overlooking.

Key Design Principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. The site layout is such that the property is set back from the neighbouring dwelling No. 53. Notwithstanding this, it is not considered that the 45 degree line would be cut as a result of either the side extension or the garden room extension and therefore is considered to be acceptable in terms of Key Design Principle 5. It is noted that there is first floor opening within the side elevation of the neighbouring property however this opening appears to be non-habitable and therefore the impact is considered acceptable.

As set out above, it is considered that a sufficient amount of garden would be retained as a result of the proposal in accordance with Principle 7 of the House Extensions and Alterations SPD.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing. With regard to overlooking from the proposed terrace, it is considered an appropriate condition can overcome these concerns and the proposal would accord with the aims of policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within Chapter 12 of the National Planning Policy

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case as part of the proposed works, it is proposed that the alterations to the property would include the front garden area and the formation of a wider driveway to accommodate additional parking. Notwithstanding this the existing garage and driveway would be retained. Key Design Principle 15 states that 4+ bedroom properties should be provided within the site. In this case, the existing garage falls slightly short of the 6m x 3m dimensions as required by Manual for Streets however an additional space on the existing driveway would ensure 3 no. parking spaces can be provided. It is considered it reasonable in this instance to add a condition relating to the area being permeable.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD and that refuse collection would be as existing.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. National Planning Policy 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. The proposed extension would be constructed from natural coursed stone which sustainable and recyclable and therefore considered acceptable. In addition the garden room would be entirely glazed and south facing therefore increasing the amount of solar gain to the property.

Biodiversity – Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity”*

However, the site is not within a bat alert zone on the Councils GIS system and therefore the potential for bats is considered unlikely. Thus, it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a householder development of this scale.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Renewable energy – Key Design Principle 10 of the SPD states that.... *Microgeneration of renewable energy can support a strong reduction in household greenhouse gas emissions. Household extensions should strongly consider the opportunities for microgeneration of renewable energy. Proposals should have regard to opportunities to include renewable microgeneration technologies such as solar photovoltaics, solar water heating (aka solar thermal), ground, air and water source heating/cooling systems and hydro-electric generation in new extensions. Microgeneration of renewable energy can support a strong reduction in household greenhouse gas emissions. Household extensions should strongly consider the opportunities for microgeneration of renewable energy. Proposals should have regard to opportunities to include renewable microgeneration technologies such as solar photovoltaics, solar water heating (aka solar thermal), ground, air and water source heating/cooling systems and hydro-electric generation in new extensions.*

As the proposal incorporates solar panels to both the front and rear roof slopes, the proposed works would comply with this principle.

6 – Representations:

None

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: 2023/90065

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 51 of the Planning and Compulsory Purchase Act 2004.

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, LP31 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15 and 16 of the Council's adopted House Extensions and Alterations SPD and to accord with Policies within Chapters 2, 4, 12, 14 and 15 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been marked out and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted/listed plans for the lifetime of the development.

Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

5. The development shall not be brought into use until a privacy screen of 1.8 metres has been installed on the East facing side of the terrace as displayed on Drawing Number 55ML/P04 rev B. The privacy screen shall be of opaque material without use of obscuring film. Thereafter, the privacy screen shall be retained as such.

Reason: In the interests of residential amenity and to accord with Policy LP24(b) of the Kirklees Local Plan, Principle 3 of the Council's House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: With reference to condition 4, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden
[s](#)

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan and floor plans	55ML/P01		10 th January 2023
Existing elevations	55ML/P02		10 th January 2023
Proposed elevations and floor plans	55ML/P03		10 th January 2023
Proposed side elevations, section and site plan	55ML/P04 rev B		10 th January 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 13th March 2023

Coal – none