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:	**2023/62/90477/W**
Site Address:	12, Skelton Crescent, Crosland Moor, Huddersfield, HD4 5PN
Description:	Erection of single and two storey extensions
Recommending Officer:	Luke Walstow

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: 12-Jul-2023

OFFICER REPORT

Application Reference: 2023/90477

Site: 12, Skelton Crescent, Crosland Moor, Huddersfield, HD4 5PN

Site Description

12 Skelton Crescent is a semi-detached dwelling located in the residential area of Crosland Moor, Huddersfield. The street scene consists of dwellings of similar design and scale. The dwelling is constructed from brick with a white render on the top half of the dwelling. The dwelling benefits from having a front and rear garden. The site does not have off-street parking, with current parking arrangements being occupants parking on the street. Dwellings along the street have converted their front gardens to accommodate car parking spaces.

Description of Development

The applicant is seeking planning permission for the erection of a two-storey rear extension with a single storey rear extension and a first-floor side extension. The proposed external walls of the extension would be constructed from brick with a render to match the existing house. The roof would be constructed from grey tiles, also matching the existing materials. The proposed extensions would create a large kitchen and dining area on the ground floor elevation and create an additional forth bedroom on the first floor. The first-floor extension would be held up on pillars, with a walkway underneath providing access to the rear garden. The front garden would be converted to two car parking spaces.

<u>Single Storey Rear Extension Dimensions</u>

Projection: 3 metres
Width: 3.13 metres
Height: 2.7 metres to the eaves, 3.7 metres in total height.

<u>Two-Storey Rear Extension Dimensions</u>

Projection: 3 metres
Width: 3.25 metres

Height: 4 metres to eaves,

First Floor Side Extension Dimensions

Length: 4.5 metres
Width: 1 metre
Height: 5 metres to eaves with shallow pitch roof tying into the existing roof.

History of negotiations/amendments sought

Amendments were sought to reduce the bulk of the rear extension. Discussions with the agent resolved in the rear extension being part single storey, part two storey, rather than a full two-storey extension to the rear to reduce the impact to the neighbouring property.

Planning History

There is no planning history for the site

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 04th April 2023 – no representations received.

The site is unallocated on the Kirklees Local Plan.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the adopted Kirklees Local Plan

Kirklees Local Plan

- **LP 1 –** Achieving Sustainable Development
- **LP 2 –** Place Shaping
- **LP 21 –** Highway Safety
- **LP 22 –** Parking Provision
- **LP 24 –** Design
- **LP 30 –** Biodiversity and Geodiversity

- **LP 51 –** Protection and Improvement of Local Air Quality

National Policies and Guidance

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

The 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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of

sustainable development contained in the National Planning Policy Framework. Policy 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 KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

In this case, the principle of the rear extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and "c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 relates to single storey side extensions, stating the following guidance:

5.6 Single storey extensions 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*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The single storey extension element of the proposed development can be assessed against the guidance above. The extension would match the style of the original house by using the same materials used in the construction of the original house. The single storey extension, as well as other proposed extensions would not cover more than half of the total area of the original house. The proposal has a projection from the original house under 3 metres, which is SPD compliant given the dwelling is semi-detached. Whilst the proposed extension would not be separated by 1 metre to the boundary, it would lie flush against an existing extension the neighbouring dwelling has erected, thus reducing potential impacts of residential amenity on this neighbour and not harming the rear appearance of the rear elevation of the dwelling.

Section 5.8 of the SPD relates to two-storey rear extensions and provides the following guidance:

5.8 Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- *be proportionate to the size of the original house and garden*
- *not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)*
- *not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties*
- *not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary*
- *be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre*
- *not adversely affect habitable room windows where they adjoin a neighbour's boundary*

The proposed two-storey extension has a projection the same as the ground floor extension and would not be disproportionate to the size of the original house. The extensions to the rear of the dwelling would leave adequate amounts of outdoor space available for occupants. The first-floor extension

proposed would result in the development being within 1.5 metres to the boundary. The two-storey extension also used materials used within the construction of the original dwelling, thus not subtracting from the overall quality appearance of the dwelling.

Sections 5.11 and 5.12 relate specifically to part two storey, part single story extensions and state the following:

Finally, section 5.22 relates to first floor side extensions and provides the following guidance:

5.22 Two-storey and first floor side 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 follows the form of the existing roof*
- *retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.*

The proposed first floor side extension would be visually smaller when compared to the host dwelling. The extension would be set back beyond 0.5 metres which ensures a visual break to the front of the dwelling. The roof has since been amended since the first submission to show a more suitable roof design which links into the host dwelling. Due to the set back of the side extension, a terracing effect would not be created. The first-floor extension would be supported on pillars constructed from brick. Whilst this is an unusual design, due to the set back from the front elevation, the design can be accepted.

It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

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.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that*: "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."*

- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."*

- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."*

- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

- Principle 7 – that*: "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."*
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Impact on 10 Skelton Crescent

10 Skelton Crescent is a semi-detached dwelling adjoined to the host dwelling of the application site. The first-floor extension would lie flush with an existing extension this neighbour already has erected, therefore no privacy, overbearing or overshadowing effects would be created from this part of the proposed development. The amended scheme ensures that the two-storey extension would not be in a position to negatively impact outlook form this neighbour. Due to the location of the first-floor extension, it would not impact this neighbour's amenity.

Impact 14 Skelton Crescent

14 Skelton Crescent is a semi-detached dwelling located to the east of the application site. Privacy for this neighbour would be maintained as there are no proposed windows within the side elevation of the first-floor side extension. The rear extensions would have a view over the rear garden of this neighbour, but this is already visible from existing rear windows on the rear elevation of the host dwelling, thus no new invasion of privacy would be created. This neighbour does have two windows on the first-floor side elevation. These are not deemed to be habile rooms, meaning the impact of the first-floor side extension would not be severe upon this neighbour. Outlook from the rear windows of the neighbour would be maintained. It is considered the development would not significantly harm this neighbour's residential amenity.

Impact on 5 & 7 Battye Avenue

5 and & Battye Avenue are residential dwellings located to the rear of the application site to the North. There is a 53-metre separation distance from these neighbours to the proposed extensions which is deemed a large enough distance to not be impacted from the proposed development.

Impact on 9 and 11 Skelton Crescent

9 and 11 Skelton Crescent are dwellings located across the highway to the south. Whilst the side extension would have a new front facing window, the separation distance from the extension to these dwellings would result in no privacy being intruded upon. Additionally, with the side extension being set back from the front elevation, there is no risk over overbearing or overshadowing and would therefore not harm these neighbours' amenity.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Although the extensions do utilise outdoor space, a site visit confirmed the rear garden to be such that adequate outdoor space would be retained.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would result in an additional bedroom on site taking the total amount of bedrooms to 4. The application site currently does not have any off-street parking and occupants utilise on street parking. The proposed development includes converting the front garden to accommodate two car parking spaces. Whilst this falls short the recommend parking capacity for 4-bedroom houses provided within the SPD, the creation of two car parking spaces would improve the level of off street parking and the proposal is considered acceptable in this regard.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local

Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

Climate Change

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 predates 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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.
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Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A climate change statement was submitted with the application stating that the proposed development would not be harmful in relation to climate change.

Biodiversity

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." Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

6 – Representations:

None Received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation – Delegated Powers

Application Number: 2023/90477

Officer Recommendation: Conditionally 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 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP30 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walling 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 LP24 of the Kirklees Local Plan policies within chapter 12 of the National Planning Policy Framework and principles 1 and 2 of the House Extensions and Alterations SPD

4. Notwithstanding the detail shown upon the north east elevation of submitted drawing 2301/02RevA, the doorway shown in this elevation

shall not be inserted and the this elevation shall be a solid brick wall to accord with the Ground Floor Layout shown upon the aforementioned plan.
Reason: For the avoidance of doubt as to what is being permitted and in the interests of residential amenity to accord with policy LP24 principles 3 and 4 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing Layout and Elevations	2301/01		22 February 2023
Proposed Layout and Elevations	2301/02A		31 May 2023
Climate Change Statement			22 February 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers had concerns over the two-storey extension received on submission of the application in relation to residential amenity for the neighbouring dwellings and the design of the roof on the rear and first-floor extensions. Amended plans were submitted amending the roof to a more suitable design and amending the rear proposed to a part single, part two storey extension which officers deemed to be acceptable.

Report Dated: 11/07/2023