

**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:	2023/62/90727/W
Site Address:	91, Warrenside, Deighton, Huddersfield, HD2 1LG
Description:	Erection of single storey rear extension
Recommending Officer:	Laura Yeadon

DECISION – Conditional Full Permission

I hereby authorise the approval this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 02-May-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90727
Location	91, Warrenside, Deighton, Huddersfield, HD2 1LG
Proposal	Erection of single storey rear extension
Publicity end date	Thursday 20 th April 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated/without designation
Extension to Time (EoT)	N/A EoT Date:
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
- 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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	

Parish/Town Council comments sought	No	
Planning History		2022/92807 – Erection of single storey rear extension – Refused – 1. Cramped and overdevelopment – 2. Detrimental impact on No. 89
Consultations required		Health and Safety Executive – no response to date. The HSE were consulted on the larger extension last year and raised no objections on safety grounds. This is a smaller proposal.

Assessment

The application seeks permission for the erection of a single storey rear extension. The application has been submitted following the refusal of planning permission for a similar proposal. The previous application had a 4.8m projection and this has now been reduced to a 3.2m projection.

The Kirklees SPD sets out that rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (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 – a small amount of amenity space would be retained within the rear garden	
Be set behind the original building, and not projecting beyond the sides	Yes – the extension would not project beyond the side elevation of the property	
Maintain external access to the rear garden	Yes – external access to the rear garden would be retained	
Single storey rear extensions should:		

be in keeping with the scale and style of the original house	Yes – the extension has been significantly reduced from the previous submission (reduced by 1.6m in projection)	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – the extension would retain limited rear amenity space and there is space to the front and side	
not exceed 4 metres in height	Yes – the extension would not exceed 4 metres in height	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties		No - the extension would project 3.2 metres however additional 0.2 metres is not considered to be detrimental to visual or residential amenity in this specific case.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – the roof is flat and therefore there are no eaves
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – it would be set in from the boundary with No. 93 by 1.4m	No – it would be set in from the shared boundary with the attached neighbour no. 89 by 0.3 metres

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

Summary of local street scene/character: Two-storey semi-detached property constructed from red brick, pebbledash and render. The property benefits from a single detached garage and driveway to the side/front, with garden/amenity areas to both the front and rear.

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	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Extension is to the rear and therefore limited view from public vantage points	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Replacement of existing conservatory more in keeping with host dwelling – subservient due to being single storey – more in keeping than conservatory albeit larger footprint	✓
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	Single storey in height appearing proportionate to the host property	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match with the exception of the roof due to being flat – GRP proposed with a roof lantern	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Flat roofed – other flat roof structures in street scene	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Windows and patio doors in proportion to existing host building	✓

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

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

The main properties affected are:

- 93 Warrenside – north of application site – window proposed within side elevation of extension however plans annotated to be obscurely glazed, significant boundary screening along shared boundary
- 89 Warrenside – attached neighbouring property – no openings within side elevation – property hosts patio doors within rear elevation
- 83 Warrenside – to rear of application site – property set at right angles – property separated by approximately 11 metres

	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	Side elevation opening facing No. 93 is proposed to be obscurely glazed – rear elevation openings facing rear garden with high boundary screening	✓
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	45 degree rule would not be met however the site could construct an extension projecting 3 metres without planning permission in same location - not considered that the additional 0.2 metres would be significantly harmful. There is also significant hard boundary treatment to the rear boundaries.	✓

Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Site is north of the attached neighbour and therefore no loss of direct sunlight – impact acceptable on No. 89 due to existing screening and separation	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Appears to have overcome the previous reason for refusal by reducing the projection by 1.6 metres	✓

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	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Driveway and garage to be retained	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown however sufficient space available within the site	✓

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	No trees affected	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	None – bat alert layer however roof of host property not affected	✓
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 LP34 of the KLP	The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓
Land Contamination	• LP53 of the KLP • Chapter 15 of the NPPF	Within the consultation zone of a hazardous materials site. HSE consulted, no response received but HSE raised	

		no objections on safety grounds to a larger extension on the site last year. There are no material changes to land uses/consultation zones since that time. On this basis the application raises no safety issues.	
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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	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: 2023/90727

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, 9, 10, 11, 12 14, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. The external wall 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 1,2 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			6th March 2023
Proposed block plan	WS 91 – 03A		6 th March 2023
Existing elevations and floor plans	WS 91 – 01B		13 th March 2023
Proposed elevations and floor plans	WS 91 – 02B		13 th March 2023
Climate Change Statement			13 th March 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 2nd May 2023

