

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:	2023/62/90789/W
Site Address:	16, Bromley Road, Birkby, Huddersfield, HD2 2XR
Description:	Erection of single storey side extension and 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: 23-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90789
Location	16, Bromley Road, Birkby, Huddersfield, HD2 2XR
Proposal	Erection of single storey side extension and alterations
Publicity end date	5 th May 2023
Number of representations received	One
Kirklees Local Plan Allocation/Designation	Unallocated land
Extension to Time (EoT)	Yes EoT Date: 26.1.2024
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) December 2023
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 53** – Contaminated and unstable land

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 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	Concerns raised that further development would not be subservient – amended plans submitted which set the extension back significantly from the front elevation of the dwelling whereby it was attached to the front of the front extension in the original submission – amended plans not re-advertised as the amendments were a reduction to the original submission.
Parish/Town Council comments sought	N/A	Not applicable

Planning History	Yes	2012/92200 – two storey rear and single storey front extensions – Conditional Full Permission 2022/93401 – two storey side extension, removal of 2 chimney stacks and alterations to rear window – Refused
Consultations required	No	None

Assessment

The application seeks permission for a single storey side extension and alterations.

The proposed extension would be set back from the original front wall of the property by 2.6 metres projecting to the side by 2 metres. The extension would span the remaining depth of property lying flush with the rear elevation of the property as extended.

The eaves height of the extension would be 2.4 metres rising to 3.8 metres to the ridge of the lean-to roof. Openings would be located within the side and rear of the structure with the proposed construction materials being brick to match the existing. The use of matching construction materials can be secured by condition.

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraphs 5.15, 5.16 and 5.17 on page 28 (and listed below) and if they do not, they need to be justified. The property is also set within a corner plot and therefore paragraph 5.34 on page 30 is also of relevance:

Side extensions	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – no openings within side elevation of neighbouring property No. 18	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Side elevation window to proposed bathroom which would overlook No. 18 can be conditioned to be obscurely glazed	

Single storey side extensions should:		
not extend more than two thirds of the width of the original house	Yes – it would comply with this	
not exceed a height of 4 metres	Yes – it would comply with this	
be set back at least 500mm from the original building line to allow for a visual break	Yes – it would comply with this	

Design and Visual Amenity:

Summary of local street scene/character: Two storey semi-detached property constructed from brick at ground floor with render above with a tiled roof. Small paved garden to front elevation with a larger garden landscaped garden to the rear which is set on a significantly lower ground level which is concrete and provides off-street parking for the dwelling.

Permitted development rights have been removed for construction of doors, windows and other openings as part of the 2012/92200 application to prevent unsatisfactory openings detracting from the privacy of the neighbouring properties.

The street scene is comprised of mainly semi-detached and terraced dwellings of similar design to the northern side of Bromley Road and to the southern side are rows of stone constructed terraced dwellings.

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	Extension is located on the side of the property and is set back from the porch and the original front elevation of the dwelling.	✓

Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient structure due to being single storey in eight and constructed from matching materials	✓
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 set back from the front of the dwelling	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Construction materials to match – can be secured by an appropriate condition	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Lean-to roof in keeping with hipped roof on main house	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Small windows to side and rear elevations. Proportionate to those within the existing dwelling	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to access into the dwellinghouse	✓

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:

The main properties affected are:

- 14 Bromley Road – attached property – unaffected by the proposal
- 18 Bromley Road – adjacent property to the west of the site – extension would project to match the rear elevation of the two storey extension however a 45 degree line would not be cut – projecting section of extension would be located to the north-east and therefore limited loss of direct sunlight
- 11 and 13 Heathdale Avenue – facing properties to the rear – no decrease in separation distance
- 27 and 29 Bromley Road – facing properties to the front – no decrease in separation distance

	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	Opening to ground floor bathroom would overlook amenity space to No. 18 – condition to be attached requiring this opening to be obscurely glazed	✓
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	Extension set in from shared boundary with No. 18 separated by small strip to land to side of extension and driveway at No 18 where no openings are located within No. 18. Section of extension which extends beyond original house would not cut 45 degree line and is to the north-east and therefore no significant loss of direct sunlight. The proposal is of a scale and distance from neighbouring properties to the rear such that it is considered it would not lead to a significant increase in overshadowing and refusal on such a basis could not be	✓

		substantiated in this case.	
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Extension is single storey in height and due to its orientation, limited harm	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The loss of amenity space would be limited and not to such a degree as to warrant refusal.	✓

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:

	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	Parking provision to the rear of the property would 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:

	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 by proposal	✓
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.	✓

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:

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, Key Design 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.

4. The development shall not be occupied until the bathroom window in the side elevation of the extension hereby approved has been obscure glazed to a minimum Grade 4 or equivalent. 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) the obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan (not Site plan)	HD-M-405		10 th March 2023
Existing floor plans	HD-M-405-001		10 th March 2023
Existing elevations	HD-M-405		29 th March 2023
Proposed floor plans	HD-M-405-001		7 th August 2023
Proposed elevations	HD-M-405		7 th August 2023
Climate Change Statement	Appendix A		29 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. Concerns raised that further development would not be subservient. Amended plans were submitted which set the extension back from the front elevation of the dwelling whereby it was attached to the front of the front extension in the original submission.

Report Dated: 22nd January 2024

