

**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:	2023/62/90912/W
Site Address:	134, Deyne Road, Netherton, Huddersfield, HD4 7EP
Description:	Erection of single storey rear and side extension
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 12-Jun-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90912
Location	134, Deyne Road, Netherton, Huddersfield, HD4 7EP
Proposal	Erection of single storey side and rear extension
Publicity end date	05/05/2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes EoT Date: 15-06-2023
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	✓	

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 and geodiversity

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 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
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Negotiations/Amendments during course of application	Yes	Amended plans were requested to show the side elevation of the extension to assess potential impact on residential amenity.
Parish/Town Council comments sought	N/A	No comment received
Planning History	No	none
Consultations required	No	

Assessment

The Kirklees SPD sets out that single storey side extensions should comply with certain dimensions set out at paragraph 5.17-5.18 on page 28 (and listed below) and if they do not, they need to be justified:

Single-storey side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
not extend more than two thirds of the width of the original house	Yes – while it would be joined to a single-storey rear extension, this would be viewed in the context of a wrap-around extension and be acceptable	
not exceed a height of 4 metres	Yes – it will be under the maximum recommended height	
be set back at least 500mm from the original building line to allow for a visual break	Yes – approximately 4.9m set back	

The Kirklees SPD sets out that single storey rear extensions should comply with certain dimensions set out at paragraph 5.6 on page 24 (and listed below) and if they do not, they need to be justified:

Single-storey rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be in keeping with the scale and style of the original house	Yes – it would have a flat roof design similar to the existing flat	

	<p>roofed rear extension and those of other nearby neighbours therefore would have a design that would not appear incongruous with the host and the locality's evolving architectural design. Its scale would be proportionate to the host ensuring that the host would remain the dominant element within the design and to have its original character and design largely unchanged.</p>	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – it would comply	
not exceed 4 metres in height	Yes – it would comply	
not project out more than 3 metres from the rear wall of the original house for semi-detached houses		No – it would project ~4m from the rear however this is mitigated by its stepped design taking some of the overall bulk and massing away with an existing projection of ~1.9m from the rear
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;		No – this is a flat roofed extension at a height of ~3m, as such the requirement to have eaves limited to this lower height would not be suitable
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – it would be separated by 0.8m from No. 136 however in support, the proposed side extension would be set back significantly and a detached outbuilding would be

		<p>removed from the shared boundary aiding in an improved sense of visual openness between those neighbours. There is an existing relationship between No. 132 and the host with the single-storey rear extension already set near the boundary, it is proposed to have a small increase in projection of 0.9m to have an overall extension projection 1.9m from the rear ensuring that it would be viewed as a small, sensitive extension which would not appear overbearing to the neighbour with 45° field of outlook maintained. To have the extension set 1m away would lead to a complicated design visually and on balance it is considered that for these reasons, this design should be acceptable overall.</p>
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Design and Visual Amenity: Are the considerations in the following table acceptable?

The application property is located within a residential area of mostly two-storey semi-detached dwellings built at a similar time with similar materials using red brick and concrete tile. There is a strong building line on the west side of the road; the east side of the road has a slightly more broken building line with bay windows. Extensions visible within the streetscene tend to be either single-storey detached outbuildings to rear or single-storey attached to the side of the host. There are a variety of rear extension styles to the 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 the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	Modest single storey side/rear extension well set back from the host's primary elevation and behind the host. This would appear of minimal impact on the local character and street scene	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	Would appear subservient by virtue of its limited single-storey height and set back to the original building.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	As above.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Facing materials, along with opening details to match existing.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Flat parapet roof which matches the existing single-storey rear extension. This simple roof design would not appear to add a discordant roof design to the host as a result	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) 	Proportions similarly match the existing property. The patio doors would appear in keeping	✓

	and (d) of the KLP <ul style="list-style-type: none"> Chapter 12 of the NPPF 	within its residential setting.	
Accessibility for all users	<ul style="list-style-type: none"> KDP 17 of the SPD Policy LP24 Design (f) Chapter 12 of the NPPF 	Private domestic extension which would not change the existing access into / around the property.	✓

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?

– it would be separated by 0.8m from No. 136 however in support, the proposed side extension would be set back significantly and a detached outbuilding would be removed from the shared boundary aiding in an improved sense of visual openness between those neighbours. There is an existing relationship between No. 132 and the host with the single-storey rear extension already set near the boundary, it is proposed to have a small increase in projection of 0.9m to have an overall extension projection 1.9m from the rear ensuring that it would be viewed as a small, sensitive extension which would not appear overbearing to the neighbour with 45° field of outlook maintained. To have the extension set 1m away would lead to a complicated design visually and on balance it is considered that for these reasons, this design should be acceptable overall.

The main properties affected are:

- No. 136 Deyne Road (side) – semi-detached neighbour with a large rear extension and a detached outbuilding. There would be one window facing the property's side elevation facing the blank wall of the rear extension. While the proposed block plan does not show the new extent of the rear extension, Officers can confirm that the rear extension would not protrude past the extension and would be of a similar height north of the neighbour ensuring that it would not appear overbearing or overshadowing.*
- No. 132 Deyne Road (side) – this is the attached neighbour. The proposed extension would be to the southwest of the neighbour and would extend a further 0.9m from the existing single-storey rear extension on the boundary; this has been demonstrated on plans to not impinge on the 45 field of outlook to the neighbour with a sensitive stepped design ensuring that it would not appear overbearing or significantly overshadowing the neighbour. Amended plans have confirmed that there are to be no windows facing this neighbour ensuring no overlooking or loss of privacy.*
- 33 Deyne Road (front) – This neighbour is positioned in excess of 25m distance and therefore would not suffer any effects*

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As above.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	Substantial rear garden retained	✓

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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Would not intensify use or parking demand. A driveway would be retained with two off street parking spaces to avoid undue pressure on highway safety through oversubscribed parking demand	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD 	As above.	✓

	<ul style="list-style-type: none"> • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 		
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	✓

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	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	n/a	n/a
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	Bat Alert layer - The building is in good order, well-sealed and the proposal would not disturb original eaves. The property is reasonably close to two identified possible bat roosts back in 1995 with a Kirkless Wildlife Habitat nearby known as Dean Wood. Given the minor nature of the development to a two-storey building this would	✓

		be reasonably unlikely to affect any significant bat roost potential. A cautionary note is recommended however to advise applicants of their private responsibilities and duties to avoid disturbing or affecting any bats.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • 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. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. A Climate Change Statement was submitted with the application.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	The rear garden and landscaping would be retained to allow for run-off. No additional hardsurface is proposed. 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:

Summary of Representation	Officer response	Addressed ✓ / X / N/A

0	N/A	N/A
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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

Application Number: 2023/90912

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 of the Kirklees Local Plan, Key Design Principles 1 – 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 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, Key Design Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Should any bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan		Unamended	23/03/2023
Proposed Block Plan		Unamended	23/03/2023
Existing Site, Elevation and Floor Plans.	Drawing No. 01.	Unamended	23/03/2023
Proposed Site, Floor and Elevation Plans.	Drawing No. 02.	Amended	09/06/2023
Climate Change Statement			23/03/2023

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 show the side elevation of the extension to assess potential impact on residential amenity.

Report Dated: 12/06/2023