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:	**2023/62/91006/W**
Site Address:	93, Birchencliffe Hill Road, Lindley, Huddersfield, HD3 3NJ
Description:	Demolition of existing conservatory, conversion of existing garage to games room, erection of single storey rear extension, erection of rear dormer and alterations
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Sep-2023

OFFICER REPORT

Application Reference: 2023/91006

Site: 93, Birchencliffe Hill Road, Lindley, Huddersfield, HD3 3NJ

Site Description

The application relates to 93 Birchencliffe Hill Road, a detached dwelling located within the residential area of Lindley, Huddersfield. The local area consists of a variety of dwelling types. The dwelling within the site is constructed from stone with render detail and has a large rear garden. Off-street parking is located to the front of the dwelling.

Description of Development

The applicant is seeking planning permission for the demolition of an existing conservatory, conversion of existing garage to games room, erection of single storey rear extension, erection of rear dormer and alterations. The proposed external walls of the extension would be finished with a render to match the existing dwelling. In similar fashion, the roof would be constructed in grey metal cladding. Roof tiles for the hip to gable conversion of the garage match the host dwelling. The dormer would be constructed from a dark grey metal cladding in an attempt to ensure the dormer matches with the characteristics of the site. The garage conversion would involve the removal of the existing garage door and replacing it within a glazed exterior, with other alterations to fenestration in the rear elevation.

Single Storey Rear Extension Dimensions:

Projection: 4.2 metres
Width: 5 metres
Height: 2.46 metres to the eaves, 3.6 metres in maximum height.

Dormer Dimensions:
Projection: 2.34 metres
Width: 4.5 metres

Height: 1.95 metres

History of negotiations/amendments sought

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Relevant Planning History

88/06388. Outline application for residential development. *Granted Conditionally – 27/01/1989.*

90/03687. Engineering Operations to grade and Table Land. *Conditional Full Permission – 12/02/1991.*

91/06685. Erection of 2 Detached Dwellings with Garages. Conditional Full Permission – 29/09/1992.

2023/90960. Erection of attached garage. *Conditional Full Permission – 28/04/2004.*

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 17th May 2023 – no representations received.

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 located within a Wildlife Habitat Network (Woodland) and within a Biodiversity Opportunity Zone (Built-Up Areas).

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 of the SPD provides specific guidance relating to single storey rear extensions.

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; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

Single Storey Rear Extension

The single storey extensions external walls would be finished with a render which matches existing render used on site. The extension is small in footprint when compared against the host dwelling and the surrounding grounds. The extension would not be within 1 metre to the boundary and would be below 4 metres in height. As stated above, single storey rear extensions should not extend more than 4 metres past the rear wall. The extension in this case has a projection of 4.2 metres, thus not being wholly complaint with the SPD. Although 0.2 metres over guidance, the extension is not within 1 metre of the boundary, has an SPD compliant height and is located to the rear of the house in a well screen location. Because of this, officers can be satisfied that the extra 0.2 metre projection over guidelines would not be detrimental to the site and can therefore be accepted.

Rear Dormer

Section 527 of the SPD provides specific guidance relating to dormers:

5.27 Dormer windows should:

- *relate to the appearance of the house and existing roof.*
- *be designed in style and materials similar to the appearance of the existing house and roof.*
- *not dominate the roof or project above the ridge of the house.*
- *be set below the ridgeline of the existing roof and within the roof plane; and*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

The proposed dormer would be set just below the ridge of the single storey roof, thus being acceptable in relation to the SPD. The dormer would be constructed from dark grey cladding which although is a new material on the site, officers feel it is clear attempt to have the dormer align with the existing appearance of the dwelling. The dark coloured materials are considered to be acceptable and

would not detract visual value away from the existing structure. The dormer is set in from the side elevations of the roof, thus not dominating the roof where it would be situated. The dormer would be a new feature to the dwelling. Given the above, the dormer is considered to be acceptable in relation to the council SPD.

Garage to Games Room

The existing adjoined garage would be converted into a games room. This development would include the removal of the existing garage door and replacing with large, glazed panels and other alterations to fenestration in the rear elevation. In relation to visual amenity, officers do not have any concerns with the proposed garage conversion.

It is therefore considered that the proposal would comply with Policies LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies 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 design 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 2 Briarlyn Road

2 Briarlyn Road is a detached dwelling which shares a boundary with the application site located to the east. Whilst the single storey extension has a small window which would face in this neighbour's direction, the neighbouring dwelling has no windows facing the extension which can be potentially impacted in relation to privacy concerns. With the dwelling being set off more than 1 metre from the boundary and having an SPD compliant height below 4 metres, the proposal is considered not to create negative impacts for this neighbour in relation to overbearing and overshadowing. Due to existing boundary screening, there would be no impact to the outlook of this neighbour. The extension also replaces a fully glazed conservatory in the similar location.

Impact on St Phillips Parish Hall

Due to the location of the Parish Hall and the large separation distance, it is considered unlikely the proposed development would impact this neighbouring property.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Whilst the single storey extension would utilise outdoor space, large amounts of outdoor space would be retained to be used by occupants of the dwellings, and the proposal is considered acceptable in relation to principle 7.

It is therefore considered that the proposal would comply with Policies LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 12 and 16 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 proposals include the conversion of the existing garage to a games room, which results in the loss of car parking spaces on site. In addition to this, the addition of the dormer would create a new bedroom, increasing the number of bedrooms on site to five. The submitted proposed floor plan shows space for 3 cars to park to the front of the dwelling. A site visit confirmed that there would be enough space for 3 cars to park off-street on site. This results in the number of car parking spaces available being suitable for the number of potential

occupants on site, thus being acceptable. There are no proposed changes to the access to the site, meaning there would be no impact regarding highway safety.

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.

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. The roof affected by the development does not have potential to support a bat roost.

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: 2023/91006

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).

1. 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.

2. The external cladding to be first used for the face and cheeks of the dormer and the roof of the rear extension hereby approved shall be of a colour to harmonise closely with the colour of the roof tiles of the existing dwelling. The external cladding shall thereafter be retained in a colour to harmonise closely with the colour of the roof tiles of the existing dwelling and adjoining properties.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policy LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	(PL) 001		03 April 2023
Site Plan as Existing	(PL) 002		03 April 2023
Floor Plans as Existing	(PL)003		03 April 2023
Elevations as Existing	(PL) 004	A	11 April 2023
Site Plan as Proposed	PL (005)	A	03 April 2023
Floor Plans as Proposed	PL (006)	A	03 April 2023
Elevations as Proposed	PL (007)	A	11 April 2023
Climate Change Statement			11 April 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. The application was considered acceptable in its submitted form.

Report Dated: 21/09/2023

Coal – Low