

**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:	<b>2023/62/91025/W</b>
Site Address:	45, Briarfield Gardens, Dalton, Huddersfield, HD5 9JN
Description:	Erection of single storey side extension and conversion of existing garage to games room
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: 06-Jun-2023**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2023/91025
<b>Location</b>	45, Briarfield Gardens, Dalton, Huddersfield, HD5 9JN
<b>Proposal</b>	Erection of single storey side extension and conversion of existing garage to games room
<b>Publicity end date</b>	20 <sup>th</sup> May 2023
<b>Number of representations received</b>	None
<b>Kirklees Local Plan Allocation/Designation</b>	Unallocated / without notation
<b>Extension to Time (EoT)</b>	N/A <b>EoT Date:</b>
<b>Recommendation</b>	Conditional Full Permission

	<b>NO</b>	<b>YES</b>
<b>Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)</b>	✓	
<b>Contrary to previous decision</b>	✓	
<b>Called in by Ward Member</b>	✓	
<b>Significant number of representations received</b>	✓	

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

## 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 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	No	Updated plans were submitted to include additional openings at the request of the applicant – additional high level window in side extension and additional window in east elevation of garage structure
Parish/Town Council comments sought	N/A	
Planning History		<ul style="list-style-type: none"> <li>• 1998/90761 – outline application for residential development – approved</li> <li>• 1999/91899 – demolition of bungalow and erection of 41 dwellings with associated garage and access roads – Section 106 Full Permission</li> </ul>

		<ul style="list-style-type: none"> <li>2019/93800 – erection of dormer extension and alterations to integral garage to form extended living accommodation and erection of detached outbuilding/annex – refused</li> </ul>
Consultations required	No	None

### **Assessment**

The application seeks permission for the erection of single storey side extension and conversion of existing garage.

Permitted development rights were removed under application number 1999/91899 for the conversion of garages on plots 1, 3-11, 18-21, 23-35, 37-41 however it is unknown as to whether this application site formed one of these plots.

The proposed side extension would include the removal of the existing side conservatory and its replacement would be an extension with a larger depth. The proposed construction materials would be to match the host dwelling.

The proposed extension would attach to the existing side elevation of the attached garage and span the full depth of the property along the boundary line. The extension would be set in slightly from the rear elevation of the property. The eaves height would be 2.6m with an overall height of 3.1m.

To enable the conversion of the garage, the existing openings would be bricked up and 2 no. windows inserted.

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraph 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:

<b>Side extensions should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – there are openings within the side elevation of the neighbouring conservatory however these appear to be obscurely glazed and screened with fencing	

Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	The proposed openings within the extension would face the blank ground floor side elevation of the neighbouring property – openings are proposed to be obscurely glazed	
<b>Single storey side extensions should:</b>		
not extend more than two thirds of the width of the original house	The proposal complies with this.	
not exceed a height of 4 metres	The proposal complies with this.	
be set back at least 500mm from the original building line to allow for a visual break	The extension attaches to the existing garage structure which is to the front of the property	
<b>Corner plots should have:</b>		
Facing in both directions to create two frontages, each with windows overlooking the street	The extension would not have any road facing elevations. There are openings within the garage conversion overlooking the roadside	
Be set back from the existing building line on both streets	The extension does not encroach beyond existing building lines as the utility section of the extension is on the same footprint as the existing extension	

### **Design and Visual Amenity:**

*Summary of local street scene/character:* Two storey property constructed from red brick with buff brick coursing. Attached single storey double garage to the front of the property creating an 'L' shaped dwelling. Paved forecourt and rear amenity area. surrounding properties of varying designs.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	Extension located to the side adjacent to adjacent property – barely visible from public vantage points – garage conversion openings considered acceptable	✓
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Subservient structure due to being single storey in height and constructed from matching materials – openings within garage conversion in keeping with existing openings in host property	✓
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Single storey in height appearing proportionate to the host property	✓
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	To match	✓
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Side extension roof would be a lean-to roof to match existing	✓

Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Windows within side elevation of extension would be large albeit obscurely glazed openings – openings within garage conversion proportionate and in keeping with existing openings	✓
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Private domestic extension and associated works – no alterations to access to 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?

*The main properties affected are:*

- 43 Briarfield Gardens – adjacent property has a side elevation and conservatory facing proposed extension – obscurely glazed windows to conservatory – screened by existing fencing
- 25 Briarfield Gardens – has a side elevation facing the front elevation opening within the garage conversion – first floor opening facing site is obscurely glazed
- 40 Briarfield Gardens – facing proposed windows (existing garage doors) at a separation distance of approx. 23 metres

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Extension facing No. 43 at close proximity are proposed to be obscurely glazed. These can be secured by condition	✓
Impact on light and outlook of neighbours (to	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> </ul>	Minimal impact due to location of proposed extension	✓

sides, rear and front)	<ul style="list-style-type: none"> <li>Chapter 12 of the NPPF</li> </ul>		
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> <li>KDP 5, 6 of the SPD</li> <li>Policy LP24 Design (b)</li> <li>Chapter 12 of the NPPF</li> </ul>	Limited impact due to being single storey in height and set back from projection to conservatory on neighbouring dwelling	✓
Remaining garden space of application property	<ul style="list-style-type: none"> <li>KDP 7 of the SPD</li> <li>Policy LP24 Design (b) and (c)</li> <li>Chapter 12 of the NPPF</li> </ul>	Adequate amenity areas to front and rear 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?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>KDP 15 of the SPD</li> <li>Policy LP22 Parking (f) of the KLP</li> <li>Chapter 12 of the NPPF</li> </ul>	N/A	✓
Parking provision	<ul style="list-style-type: none"> <li>KDP 15 of the SPD</li> <li>Policy LP22 Parking (f) of the KLP</li> <li>Chapter 12 of the NPPF</li> </ul>	Reduction in parking due to loss of garage – however there are 3 no. parking spaces available off-street	✓
Provision for waste storage	<ul style="list-style-type: none"> <li>KDP 16 of the SPD</li> <li>Policy LP24 Design (d) (iv)</li> <li>Chapter 12 of the NPPF</li> </ul>	Bins located in area proposed for extension however adequate space within the site for re-siting the bin storage area	✓

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:**

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees</li> <li>• Chapter 12 of the NPPF</li> </ul>	No trees affected	N/A
Impact on ecology	<ul style="list-style-type: none"> <li>• KDP 12 of the SPD</li> <li>• Policy LP30</li> <li>• Chapter 15 of the NPPF</li> </ul>	None	N/A
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>• KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>• Policy LP51</li> <li>• Chapter 14 of the NPPF</li> </ul>	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	<ul style="list-style-type: none"> <li>• KDP 14 of the SPD</li> <li>• Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	The rear garden and landscaping would be retained to allow for run-off. 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.



**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.

4. The single storey side extension shall not be occupied until the north facing windows in the side elevation of the extension hereby approved have been obscure glazed to a minimum level of Grade 4. 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 of 3 and 4 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan and existing floor plans	UD-527		4 <sup>th</sup> April 2023
Existing elevations	UD-527		4 <sup>th</sup> April 2023
Proposed site plan	UD-527		19 <sup>th</sup> April 2023
Proposed floor plans	UD-527		15 <sup>th</sup> May 2023
Proposed elevations	UD-527		15 <sup>th</sup> May 2023
Climate Change Statement	Appendix A		13 <sup>th</sup> 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 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:** 6<sup>th</sup> June 2023

Coal – low

