

**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:	2023/62/91239/W
Site Address:	31, Peel Street, Marsden, Huddersfield, HD7 6BW
Description:	Erection of single storey rear extension (within a Conservation Area)
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: 30-Jun-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91239
Location	31, Peel Street, Marsden, Huddersfield, HD7 6BW
Proposal	Erection of single storey rear extension (within a Conservation Area)
Publicity end date	23 June 2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Strategic Green Infrastructure – River Colne Corridor, Marsden Conservation Area
Extension to Time (EoT)	Yes EoT Date: 06/07/2023
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	✓	

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)

The Conservation of Habitats and Species Regulations 2017

Planning (Listed Buildings & Conservation Areas) Act (1990)

- 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
- NPPF Chapter 16 - Conserving and Enhancing the Historic 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 35** – Historic Environment
- **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 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
Negotiations/Amendments during course of application	No	N/A
Parish/Town Council comments sought	No	N/A
Planning History	No	N/A
Consultations required	No	Whilst within a conservation area, KC Conservation team were not formally consulted as officers deemed the rear extension of the limited scale and siting shown could be assessed against national and local policy.

Assessment

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters 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	The proposed extension would use stone for the exterior walls, which match the host dwelling. The design of the extension would sit comfortably when viewing the rear elevation of the host dwelling and would not create an unusual appearance.	N/A
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	The proposal would not cover more than half the total area of the original house.	N/A

Not exceed 4 metres in height	The proposed height of the extension would be under 4 metres. (3.60m)	N/A
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	N/A	The host dwelling is a mixed use terraced property, meaning any rear extension should have a maximum projection of 3 metres. The proposal has a maximum projection of 4 metres which is the guidance for a detached dwelling. Whilst this is against guidance, due to the secluded location of the proposal and the relationship with adjacent property officers can acceptable the projection.
Where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	Whilst the dwelling exceeds 3 metres in length, the eaves of the extension are stated to be 2.3 metres.	N/A
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	N/A	The proposed extension is proposed to be built directly on the boundary with the dwelling to the north. A site visit confirmed trees and hedges to line the boundary, acting as a natural screen. A large stone wall acts as a screen on the other side of the extension. Due to these screens, the proposal is considered to be acceptable in its relation to the property boundary.

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

Summary of local street scene/character: The street-scene consist of a range of building types and uses. Peel street contains residential and commercial buildings constructed from principally from stone but there is red brick evident close to the application site. Buildings are a variety of . The local area is within the Marsden conservation area. The street has 3 grade 2 listed buildings; Marsden Mechanics, and two grade listed buildings located at the top of the street. Off-street parking is limited, with many vehicles parking on the road to access the commercial buildings.

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	The proposed development is located to the rear of the host dwelling and thus would have limited impact upon the street scene. By using materials that match the host dwelling and surrounding dwellings, extension would not detrimentally alter the appearance of the street-scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Whilst the proposed extension is not wholly SPD compliant with its projection, due to its location and design, it can be considered that the proposal is acceptable when being compared to the original dwelling.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	The height of the extension is below 4 metres. The scale and massing are deemed to be acceptable, with the	✓

	Chapter 12 of the NPPF	projection, height and width all being classed as subservient when being compared against the host dwelling and surrounding development	
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	The external walls of the extension would be constructed from stone which matches the host dwelling. The roof tiles proposed also harmonise with the existing dwelling. By using materials which match the existing dwelling, the proposal is considered to have good quality design, thus being acceptable.	✓
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	The roof style for the extension would be a lean to roof which would sit against the host dwelling. Natural blue slate is proposed for the roof which would match the existing dwelling. 3 rooflights are proposed within the roof to provide natural light into the extension. The proposed detail of the roof is considered to be acceptable.	✓
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Two windows are proposed within the rear elevation of the extension. These windows are of similar design to the host dwelling. 3 rooflights are proposed within the extension roof. The windows are deemed to be an acceptable size and would not create potential residential amenity issues.	✓

Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Accessibility to the proposed extension can be gained through the host dwelling and through new doorway within the extension. Accessibility to the rear garden would remain as existing.	✓
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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.

2 – Impact upon the historic environment

The site is within Marsden Conservation Area.

Section 72 of the Planning (Listed Buildings & Conservations Areas) Act (1990) requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The extension would only be partially visible from the school premises as it is to the rear of the building and there is no rear access track, save for pedestrian access.

Whilst visible, this proposed extension would be of limited depth and mass, especially in the context of surrounding development and would be perceived as an organic addition to the building in a simple yet harmonious design to this building.

It is considered that the proposed rear extension would not cause detrimental harm to the visual amenities of the locality or harm to the significance of the Marsden Conservation Area.

Given the above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, nor would it cause harm to the

significance of the Marsden Conservation Area, and that it would comply with Kirklees Local Plan Policies LP24 (a and c) and LP35, and Chapters 12 and 16 of the National Planning Policy Framework.

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

The main properties affected are:

- *29 Peel Street – Semi-detached dwelling adjoined to the host dwelling of the application site located to the northeast*
- *Shakespeare Inn – Semi-detached building adjoined to the application site used as a pub located to the southeast.*
- *Marsden Infant and Nursery School - Whilst the school, shares a boundary with the application site, due to the separation distance from the main building and the proposed development, it is unlikely the school would be impacted from the rear extension.*

	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	The proposed extension does not have any windows proposed on the side elevations facing towards 29 Peel Street and the Shakespeare Inn. The glazed windows in the rear of the extension would not impact any neighbour due to no neighbouring dwelling being located directly to the rear of the application site.	✓
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	Due to landscape on one boundary and a high wall on the other, the proposed extension would not impact the outlook from neighbouring property. Additionally due to the SPD compliant height, the extension would not impact natural light received by neighbouring buildings.	✓

Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Whilst the proposed extension would use space located in the rear garden, there would be adequate outdoor space retained to be used by current and potential future occupants, therefore, the proposal is acceptable in this regard.	✓
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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	There are no proposed changes to highway access with the proposal. The development is considered to acceptable in relation to highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed extension would not serve as an additional bedroom, meaning the presumed potential occupants are to remain as existing. This results in existing car parking arrangements to be acceptable.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Waste collection and storage is considered to be as existing.	✓

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	N/A	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Although within a conservation area, the proposal would have limited impact on local ecology due to the small scale nature of the 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 extension would be built on a hard surface and would have a neutral impact on run-off.	✓

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
No	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: 2023/91239

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 and LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

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.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Planning Drawing	01		02 May 2023
Heritage Statement			02 May 2023
Climate Change Statement			02 May 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: 30/06/2023