

**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>2023/62/91249/W</b>
Site Address:	4, Pennine View, Kirkheaton, Huddersfield, HD5 0NQ
Description:	Erection of two storey and single storey rear extensions 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: 02-Feb-2024**

## Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91249>

### Site Description

4 Pennine View is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from random coursed stone and has a concrete tiled roof. The property is set up from the roadside separated by a front lawned garden with a driveway to the side leading to an integral garage. To the rear of the property is also a lawned garden which is set up from the roadside due to the changes in topography. The rear boundary of the site forms the boundary with Moor Top Road and the Green Belt.

Residential properties are located to the south of the site with open fields to the north.

### Description of Proposal

The application is for the erection of a two storey and single storey rear extension and alterations.

#### Two storey extension

The proposed two storey extension would be located on the rear elevation of the property lying flush with the east facing side elevation of the property. The extension would project a total of 3.5 metres from the rear elevation of the property being a total of 5.7 metres in width. The eaves height would match the existing with the ridge of the existing dwelling with the roofline set down from the existing roof by approximately 0.6 metres. The proposed extensions would be constructed from random coursed stone with a concrete interlocking roof tiles to match the existing.

#### Single storey extension

The proposed single storey extension would attach to the proposed two storey extension and would span the remainder of the width of the rear elevation of the property set in from the west-facing elevation of the property by 0.8 metres. The projection of this section of extension would be 3 metres with a height of 3 metres to the top of the flat roof. It appears that the side elevation of the extension would be constructed from random however it appears that the rear elevation would be horizontally clad.

#### Alterations

The proposed alterations to the property include a reconfiguration of the internal accommodation within the building, the alteration of the first floor windows within the front elevation off the balcony being altered to be sliding doors, additional first floor windows and roof lights within the rear elevation and additional ground floor and first floor openings within the east facing side elevation of the existing property. Also, to the rear elevation it is proposed that the part of the eaves line would be lowered to sit just below the existing eaves.

### **History of negotiations/amendments received**

Concerns were raised following the site visit to the property in terms of the overall visual impact of the scheme and the impact on being overbearing on neighbouring dwellings. It was communicated to the Agent that the proposal would be larger than that recommended within the Council's adopted SPD and that a reduction of the scheme be given consideration. In response, the Agent submitted amended plans and these were re-advertised by neighbour notification letter. The amended plans removed the proposed first floor rear elevation balcony and reduced the overall projection of the two storey extension from 5.7 metres to 3.5 metres.

### **Relevant Planning History**

None

### **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 1<sup>st</sup> December 2023 following re-advertising the proposed scheme.

Kirkburton Parish Council – no comment

As a result of the public consultation period four representations have been received, 2 prior to the submission of amended plans and 2 following re-advertising the amended plans with the summary of comments set out below:

Comments based upon the original submission:

- Despite a number of properties on Pennine View being extended/alterd it remains a quiet, private cul-de-sac with space between properties and little overlooking
- Proposal does not allow for appropriate distances between buildings and has a significant impact on neighbouring properties
- New gable built close to boundary with No. 2 and would not enhance the character of the townscape
- Proposal appears to project 2 storeys at a similar depth to the existing property on a plot that tapers towards the rear

- Rear garden of No. 2 would be almost entirely flanked by the proposed gable
- Does not appear as a subservient addition and the property appears to doubling in size
- Large expanse of glazing within the two storey extension and the first floor balcony would overlook rear garden of No. 2
- Loss of views
- Proposed gable would result in being overbearing, with complete loss of sunlight to garden of No. 2
- Future maintenance of neighbouring fence may also be an issue
- Proposed door would open feet from the patio at No. 2 not providing a space between buildings to prevent overlooking and loss of privacy
- Loss of privacy from proposed side elevation first floor windows which would open even if obscurely glazed
- Application form states no trees or hedges would need to be removed which is factually incorrect. Some would need to be removed which would have an impact on ecology
- Proximity of proposed works would cause overlooking to No. 71 Heaton Moor Road
- Proposed balcony would be looking straight down onto existing balcony at No.71 causing complete lack of privacy
- Overshadowing of No. 71
- Damage to tree roots from groundworks

Comments following the submission of amended plans:

- Although amended drawings suggest an increase of 3 metres, the extension would still project 3.5 metres at two storey
- The plot tapers towards the rear and therefore garden to No. 2 would be flanked by the new gable which appears to increase by almost 50%
- Projection and massing would remain a significant extension on a plot where there are already close to boundaries at both sides
- Proposed two storey rear extension features a large expanse of glazing and Juliet type balcony would overlook garden area of No. 2 resulting in a lack of privacy
- Overbearing high stone wall would overshadowing garden area of No. 2 resulting in overshadowing with loss of sunlight un the afternoon due to blocked sun path
- Loss of privacy from proposed side elevation first floor windows which would open even if obscurely glazed
- Future maintenance of neighbouring fence may also be an issue
- Amended plans are an improvement to the original plans however the remains a considerable size
- Increased projection of rear extension by more than 3.5 metres will result in bringing the application site closer to No.71
- Sheer amount of glazing close quarters would resulting in overlooking down on No. 71
- Overshadowing and loss of light to No. 71

- Maintain that incorrect information submitted with regard to trees and hedges and that ground works would cause damage to roots and long term damage

## **Consultation Responses**

None required

## **Policy**

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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated or unstable land

### Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

## Legislation

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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. 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”

- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 12: Natural environment
- 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

With specific regard to the proposed development the SPD states that in terms of rear extensions, the SPD cites the following:

In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes on to refer to Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;

- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

## 2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed extension would be constructed from matching materials which would be in keeping with the host and neighbouring properties. This is with the exception of the rear elevation of the single storey extension which appears to be horizontal clad. Notwithstanding this, in the main, the extensions would be in keeping with the host dwelling and therefore in accordance with Key Design Principles 1 and 2 of the House Extensions and Alterations SPD as well as Key Design Principle 9. The proposed development would not exceed more than 50% of the total area around the house and is therefore considered to be proportionate to the size of the original house.

The amended plans have reduced the scheme from the originally submitted scheme by omitting the first-floor balcony which was incorporated into the proposed two storey extension and reducing the projection from 5.7 metres to 3.5 metres for the two storey section of the proposals. As the extension is proposed to a detached property, this is considered to be compliant with the maximum of 4 metres as outlined within Section 5.8 of the SPD, as well as the distance of the proposal being 1.5m from the boundary (as shown on submitted drawing 001RevA).

The proposed single storey extension would project 3.5 metres and has a flat roof which is considered acceptable in this case given the character of the locality / host property.

In terms of the alterations to the property including the changes to the fenestration details are considered to be visually acceptable and therefore would also comply with the SPD.

The extension and alterations are therefore considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12

of the National Planning Policy Framework. It is recommended any grant of permission requires the materials of construction of the development to match those used in the construction of the host property.

### 3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of overlooking, there are proposed openings within the side elevation of the existing property and also alterations to the front elevation openings along with additional openings within the east facing side elevation.

Within the front elevation the separation distance between the properties facing the application site and the proposed openings would not be reduced. The proposed sliding doors are not considered to materially increase the harm from overlooking as these would replace existing windows and are therefore, considered to be acceptable. There are no proposed additional openings to the fenestration details within the side elevation facing No. 6 Pennine View and therefore, minimal concerns in relation to overlooking.

There are additional windows and a ground floor door proposed within the side elevation facing No. 2, within the existing dwelling. The property hosts full permitted development rights and therefore the ground floor openings do not require planning permission for their formation. In terms of the first floor openings, due to the layout of the site and orientation of the dwelling in relation to No. 2 it is considered reasonable and necessary in this case to condition that these openings are to be obscurely glazed to a minimum of Grade 4 and shall be non-opening. As the existing rear elevation hosts first floor openings, due to the presence of the extension, the extent of overlooking would be reduced as less of the garden would be visible from the new extension.

With regards to the openings within the rear elevation, these would be within the existing property and within the proposed extensions. The openings within the two storey extension would be a bank of patio doors at ground floor and a Juliet balcony at first floor. These would directly face the rear garden of the property and the Moor Top Road beyond. Due to the layout of the property, these openings have the potential to overlook neighbouring properties and amenity areas however there are existing openings within the first floor rear elevation and therefore there is already some element of overlooking. It is noted that these openings would reduce established separation distances by 3.5 metres due to the projection of the extension. There are limited openings within the elevation of No. 75 Heaton Moor Road which would face the proposed extension however it is noted that this neighbouring property has a terrace which faces the garden area of the application site. However, due to the

orientation of the dwellings, this would be at an oblique angle. Due to the realistic fall back position, in so far as that a 2 storey extension could be constructed without planning permission with a 3 metre projection with the same fenestration details as proposed in this case, it is not considered that the additional 0.5 metre reduction in separation distance would be significantly harmful to the amenity of the occupiers of this neighbouring dwelling. As such it is not considered that refusal on grounds of overlooking could be substantiated in this case.

In terms of the impact on No. 6 Pennine View, the proposed openings would not extend significantly beyond the rear elevation of this property with the single storey element being closest to this dwelling.

It is therefore considered that in terms of overlooking, the proposal would comply with Key Design Principles 3 and 4 of the adopted SPD, Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

In terms of overshadowing and/or being overbearing, the proposed two storey element of the scheme would project 3.5 metres from the rear elevation of the property and the single storey element would project 3 metres from the rear elevation of the property. The layout of the site and the surrounding properties are unique in that the immediate neighbouring properties have rear gardens which taper towards the rear boundaries with the plots being triangular in shape to the rear. The application site has a width which results in the side boundaries being close to the shared boundaries with the neighbouring properties.

With regards to the impact on No. 2, the two storey extension would be closest to this dwelling. The extension would lie flush with the existing side elevation of the property which is set in from the shared boundary by 1.5 metres which is compliant with the SPD. The application site is set back from this dwelling with the front elevation being sited on a similar building line to rear elevation No. 2. As the extension projects to the north of the application site and No. 2 there would be a minimal loss of direct sunlight due to the orientation of the property. In terms of loss of outlook, whilst the presence of the 3.5 metre extension would extend further towards to the northern point of the neighbouring garden, it is considered that in this case, having regard to the existing relationship between the properties, size and scale of the proposal and orientation of the site, it is considered that the amended scheme has reduced the scale of the development such that it can be concluded as acceptable in this regard.

No. 75 Heaton Moor Park is located to the north-east of the application site. Due to the separation distances between the proposed extension and this neighbouring property, it is not considered that there would be significant harm from overshadowing and/or being overbearing.

No. 6 is located to the north-west of the application site and has a rear elevation which is set back from the rear elevation of the application. As the proposed works closest to this property would be a single storey extension, set in from the side elevation of the property with a 3 metre projection, this is considered

to be acceptable given that a 4 metre projection could be constructed without the requirement of planning permission (subject to criteria).

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the integral garage would be retained and also the driveway leading to it. The resultant property would be a 3 bedroom dwelling and therefore the requirement of the SPD's are that 2 parking spaces are to be provided. As these could be accommodated on the existing driveway, it is considered that the proposal would meet the requirements of Policies LP21 and LP22 of the Kirklees Local Plan as well as Key Design Principle 15 of the SPD.

#### 5 – Other matters:

*Climate Change* - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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.

A Climate Change Statement has been received with the application which considered that the build will meet the minimum requirements of Building Regulations which is considered acceptable in this case.

*Coal legacy* – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

## 6 – Representations:

Following the submission of amended plans, 2 letter of representation have been received with the following being a summary of comments and LPA response:

- Although amended drawings suggest an increase of 3 metre, the extension would still project 3.5 metres at two storey

Response: Noted

- The plot tapers towards the rear and therefore garden to No. 2 would be flanked by the new gable which appears to increase by almost 50%

Response: The impact of the proposal on the neighbouring properties has been addressed above

- Projection and massing would remain a significant extension on a plot where there are already close to boundaries at both sides

Response: The impact of the proposal and the realistic fall back position has been addressed above

- Proposed two storey rear extension features a large expanse of glazing and Juliet type balcony would overlook garden area of No. 2 resulting in a lack of privacy

Response: This has been addressed in the above assessment

- Overbearing high stone wall would overshadowing garden area of No. 2 resulting in overshadowing with loss of sunlight un the afternoon due to blocked sun path

Response: This has been addressed in the above assessment

- Loss of privacy from proposed side elevation first floor windows which would open even if obscurely glazed

Response: A condition can be attached to the decision notice requiring these windows to be obscurely glazed and non-opening to protect privacy

- Future maintenance of neighbouring fence may also be an issue

Response: This is not considered to be a material planning consideration applicable to the consideration of this application and is a private matter between the relevant landowners

- Amended plans are an improvement to the original plans however the remains a considerable size

Response: Noted

- Increased projection of rear extension by more than 3.5 metres will result in bringing the application site closer to No.71

Response: The impact on neighbouring dwellings has been addressed above

- Sheer amount of glazing close quarters would resulting in overlooking down on No. 71

Response: The impact on neighbouring dwellings has been addressed above

- Overshadowing and loss of light to No. 71

Response: The impact on neighbouring dwellings has been addressed above

- Maintain that incorrect information submitted with regard to trees and hedges and that ground works would cause damage to roots and long term damage

Response: There are no trees or vegetation within or close to the application site which are protected by a Tree Preservation Order and therefore the loss of any trees or hedges would not require consent.

## 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 development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation**

**APPROVE**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/91249

**Officer Recommendation:** 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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed the first floor side elevations of the two storey extension on the approved plan at any time.

**Reason:** So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and Policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

5. The development shall not be occupied until the first floor windows in the side elevation of the two storey extension hereby approved have been obscure glazed and fitted with non-opening units. 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 the adjoining property by reason of loss of privacy and to accord with Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and Policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(00) 000A		1 <sup>st</sup> November 2023
Existing site plan	(00) 001 A		1 <sup>st</sup> November 2023
Proposed site plan	(00) 001 A		1 <sup>st</sup> November 2023
Existing floor plans	(00)002		26 <sup>th</sup> April 2023
Existing front elevation	(00)003		26 <sup>th</sup> April 2023
Existing side elevation	(00)004		26 <sup>th</sup> April 2023
Existing rear elevation	(00)005		26 <sup>th</sup> April 2023
Existing side elevation	(00)006		26 <sup>th</sup> April 2023
Proposed ground floor plan	(00)002 A		1 <sup>st</sup> November 2023
Proposed first floor plan	(00)003 A		1 <sup>st</sup> November 2023
Proposed front elevation	(00)004 A		1 <sup>st</sup> November 2023
Proposed side elevation	(00)005 A		1 <sup>st</sup> November 2023
Proposed rear elevation	(00)006 A		1 <sup>st</sup> November 2023
Proposed side elevation	(00)007 A		1 <sup>st</sup> November 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 were raised following the site visit to the property in terms of the overall visual impact of the scheme and the impact on being overbearing on neighbouring dwellings. It was communicated to the Agent that the proposal would be larger than that permitted by the adopted SPD and that a reduction of the scheme was necessary. In response, the Agent submitted amended plans and these were re-advertised by neighbour notification letter. The amended plans removed the proposed first floor rear elevation balcony and reduced the overall projection of the two storey extension from 5.7 metres to 3.5 metres.

**Report Dated:** 2<sup>nd</sup> February 2024

Coal – low

