

**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>2023/62/91433/W</b>
Site Address:	27, Crosland Fold, Lindley, Huddersfield, HD3 3QH
Description:	Erection of two storey rear extension
Recommending Officer:	Tom Hunt

**DECISION – Conditional Full Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 14-Nov-2023**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2023/91433
<b>Location</b>	27, Crosland Fold, Lindley, Huddersfield, HD3 3QH
<b>Proposal</b>	Erection of two storey rear extension
<b>Publicity end date</b>	13/07/2023 Amended plans received were not readvertised as they had a reduction in bulk and massing to the proposed extension. The proposed block plan does not show no. 2 Blacksmith Way on the plans however this has been taken into account using Council survey records.
<b>Number of representations received</b>	0
<b>Kirklees Local Plan Allocation/Designation</b>	Mixed Use Allocated under MXS3 Land south of, Lindley Moor Road, Lindley. Site has been built out. In Low Coal Risk Area.
<b>Extension to Time (EoT)</b>	Yes <b>EoT Date:</b> 17/11/2023
<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) September 2023  
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 9 – Promoting sustainable transport
- 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

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

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	Yes	Officer sought reduction in scale to comply with the House Extensions and Alterations SPD early in the application process. This was supplied
Parish/Town Council comments sought	N/A	
Planning History	Yes	Several applications in relation to development of wider mixed use site with associated Discharges of Condition. No Permitted Development Rights removed.  None for specific site
Consultations required	None	

### **Assessment**

The application seeks permission for a two storey rear extension.

This would extend 4m from the rear and be 5.625m width set back from the prominent flank elevation of the property by 3.15m. It would be hipped roofed with its ridge set 0.2m from the host and eaves to match. This would have window and patio doors to its northwest flank elevation; windows to the rear and a door entrance inserted to the southeast flank elevation. Rooflights will be arranged either side of the roof of the extension. This would serve a snug at ground floor and bedroom, wardrobing area and shower-room to first floor. The proposal would reconfigure rooms within to add an office but no additional bedrooms. Parking layout has indicated tandem parking for three vehicles.

A new window serving an office will be inserted to the first floor of the host towards the rear.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified:

<b>Rear extensions should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
Preserve a back garden of a reasonable size, with a general	Yes	

principle that at least half the garden area is retained		
Be set behind the original building, and not projecting beyond the sides	Yes	
Maintain external access to the rear garden	Yes	
Respect the original house and garden in terms of its size and scale	Yes	
Use appropriate materials which match or are similar in appearance to the original house	Yes	
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties	Yes – sufficient distance north of closest neighbour to southeast to avoid impacts on overshadowing and outlook	
<b>Two storey rear extensions should:</b>		
be proportionate to the size of the original house and garden	Yes	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Yes	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	Yes	

<p>not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary</p>		<p>No – extension would be within ~0.9m of closest boundary to southeast. This is similar to the host and the neighbour would not suffer loss of outlook due to its distance away from the host and would not suffer undue overshadowing being positioned northwest of the closest neighbour. In addition a steep pitched detached garage to the neighbouring property would serve to partially screen the proposed extension to avoid appearing overbearing. Acceptable.</p>
<p>be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre</p>		<p>No – As above. This would also be separated adequately (3.15m) to the highway so as to avoid detrimental visual impacts to the streetscene of overbearing.</p>
<p>not adversely affect habitable room windows where they adjoin a neighbour's boundary</p>	<p>Yes</p>	

**Design and Visual Amenity:**

*New residential estate, similar ages and material palette. Properties of similar proposed configuration in original design have gable roofs with ridges set under the main roof ridge of the host. No recent two-storey extension equivalents seen.*

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>	Acceptable. Introduction of hipped roof would be a minor deviation from the character of the streetscene by introducing a new roof form however this would serve to reduce bulk and massing to the proposed design.	✓
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>	Acceptable. Subservient of limited width and projection.	✓
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>	As above	✓
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 host.	✓
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> </ul>	As above.	✓

	<ul style="list-style-type: none"> <li>• Chapter 12 of the NPPF</li> </ul>		
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>	In keeping with existing.	✓
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>	Unaltered	✓

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:**

The main properties affected are:

- *25 Crosland Fold. Its single-storey, detached garage is positioned next to the proposed extension partially screening the proposal. Extension is set at a sufficient distance northwest and has a hipped roof design to adequately avoid additional material overshadowing or loss of outlook to the neighbour. The new office window at first floor will mostly face a blank side elevation of no. 25 and be acceptable for avoiding overlooking or loss of privacy.*
- *1 Blacksmith Way. The extension's openings would face its flank elevation which has an obscure glazed window to first floor and the extension's bulk and massing would be positioned with a separation distance of ~11.5m to this elevation.*
- *2 Blacksmith Way. The extension would be ~16m distance to the southwest of this neighbour which has windows facing to no. 2's primary elevation. The extension would have a window to first floor serving no. 27's bedroom which is a habitable room. It does not have a planning history or a recent sales record to indicate whether the windows facing serve habitable rooms. Whilst this may not fully comply with the minimum of 21m between habitable rooms under paragraph 4.10 of the House Extensions and Alterations SPD, Officers proposed that this be acceptable as it would have oblique views looking out to the flank elevation of the opposite neighbour and it would principally be a bedroom to bedroom relationship.*

	<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>	The bedroom window could be obscure glazed by condition; given the separation distance and oblique views of the bedroom window to the front of no. 2 however, Officers propose that this be acceptable without a condition being necessary.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Acceptable as above with adequate separation distances to all neighbours	✓
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>	No significant impact on either	✓
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>	Acceptable	✓

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:**

	<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>	No alteration in intensity of accommodation or increase in car parking. Acceptable	✓
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>	As above	✓
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>	As existing arrangements	✓

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>		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>	Not in area identified as biodiverse.	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.

**Representations, including Parish/Town Council comments:**

Summary of Representation	Officer response	Addressed ✓ / X / N/A
		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:** 2023/91433

**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 of the Kirklees Local Plan, Key Design 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 of the Kirklees Local Plan, Key Design Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site with Parking Plan.	Drawing no. 23-013-03.	A	13/11/2023
Existing Floor and Elevation Plans with 3D view.	Drawing no. 23-013-01.	Unamended	13/11/2023
Proposed Floor and Elevation Plans with 3D View.	Drawing no. 23-013-02.	A	13/11/2023
Climate Change Statement			07/06/2023

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. The proposal had been reduced in scale in accordance with Officer advice and subsequently found acceptable in terms of residential and visual amenity.

**Report Dated:** 13/11/2023