

**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>2023/62/91664/W</b>
Site Address:	4, Ponyfield Close, Birkby, Huddersfield, HD2 2BF
Description:	Erection of single storey front 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: 04-Aug-2023**

## **OFFICER REPORT**

Application Reference: 2023/91664

Site: 4, Ponyfield Close, Birkby, Huddersfield, HD2 2BF

### **Site Description**

4 Ponyfield Close is a detached dwelling located within the residential area of Birkby, Huddersfield. The site is in a housing development which consists of dwellings with similar appearance and of similar design and scale. Dwellings benefit from off-street parking located to the front of the dwellings and private rear gardens. The site is located within the Birkby Conservation Area.

### **Description of Development**

The applicant is seeking planning permission for the erection of a single storey front extension. The proposed extension would be constructed from stone with tiles for the roof. The extension is for an enlarged bay window to the front elevation, including a small window on each side elevation. The extension would extend the current ground lounge area of the dwelling.

Projection: 1.2 metres

Width: 3.95 metres

Height: 2.34 metres to eaves, 3.3 metres in total height.

### **History of negotiations/amendments sought**

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

### **Planning History**

88/00716. Outline application for residential development. Refused – 12/12/1988

89/02225. Outline application for residential development. *Withdrawn* – 22/02/1991.

93/02004. Erection of residential development (38 dwellings). *Conditional Full Permission – 03/09/1993.*

## **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, in accordance with Table 1 of the Council's Development Management Charter. Given the very minor scale of the development and the location of the dwelling in a modern housing estate, it would not impact on the setting of the Birkby Conservation Area.

Final publicity date expired 03 August 2023 – no representations received.

## **Consultation Responses**

Due to the small scale nature of the proposal, no formal consultations were undertaken.

## **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 within the Birkby Conservation Area

### 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 35** – Historic Environment
- **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
- **Chapter 16** – Conserving and Enhancing the Historic 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  
Planning (Listed Buildings & Conservation Areas) Act (1990)

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters (including climate change and biodiversity)
6. Representations
7. 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 site is located within the Birkby Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

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, Policy 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.”*

In this case, the proposal would have no discernible impact on the character, appearance or significance of the conservation area.

In addition, 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 5.14 of the SPD provides specific guidance

relating to front extensions:

*5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:*

- *The house is set well back from the pavement or is well screened;*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.*

The proposed extension would be set well back from the pavement, with a front drive being in front of the dwelling. The extension is small when compared to the scale of the original house and can be classed as a subservient addition should it be built. Stone is proposed for the external wall which matches the materials used in the construction of the host dwelling. In similar nature, the same roof tiles will be used for the extension that are used on the original dwelling. Due to its location, scale and separation distance to neighbouring properties, the proposed extension would not harm affect any neighbouring dwelling. It would appear as a harmonising minor addition to the property.

It is therefore considered that the proposal would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council’s adopted House Extensions and Alterations SPD and Government guidance contained within Chapters 12 and 16 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 Ponyfield Close –*

2 Ponyfield close is a detached dwelling located to the north of the application site. Due to the location of this neighbour, they would be unaffected by the proposed development.

#### *Impact on 6 Ponyfield Close –*

6 Ponyfield Close is a detached dwelling located to the south of the application site. Officers on site assessed the impact of the proposed front extension in relation to this neighbour and was concluded they would be unaffected due to the small-scale nature of the proposal. A separation distance of 6 metres would be maintained between this proposed extension and the neighbour which is a large enough distance to avoid overshadowing and overbearing impacts. Whilst there would be a new side facing window, this is secondary and would not provide any loss of privacy, as it only reflects what can be seen from the public highway.

#### *Impact on 5 Ponyfield Close –*

5 Ponyfield Close is a detached dwelling located across the highway to the application site. Due to a separation distance of 16 metres, the proposal is

unlikely to impact this neighbour's privacy, be overbearing or be overshadowing nature.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Should the proposal be constructed, there would be adequate outdoor space located to the front and rear of the dwelling to be used by occupants.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 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.

Given the nature of the proposals being a small-scale front extension, and that there are no changes proposed to the existing access or parking arrangements, it is considered that the proposal would have a neutral impact upon highways safety. The proposal would not introduce a new bedroom on site, therefore existing car parking arrangements are considered to be acceptable,

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.

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 provided on submission of the application stating how the proposal; would not be detrimental in relation to climate change.

#### 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.

#### **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:** 2023/91664

**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, LP35 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, 15 and 16 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, 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
Existing Elevations			15 June 2023
Existing Floor Plans			15 June 2023
Proposed Elevations, Floor Plans, Location Plan and Block Plan.			15 June 2023
Heritage Statement			23 June 2023

Climate Change Statement			23 June 2023
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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. It was not considered necessary to seek any amendments/further information during the course of this application.

**Report Dated:** 04/08/2023

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