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:	**2023/62/91938/W**
Site Address:	46, Pennine View, Linthwaite, Huddersfield, HD7 5SD
Description:	Erection of single storey rear extension (within a Conservation Area)
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: 13-Sep-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91938
Location	46, Pennine View, Linthwaite, Huddersfield, HD7 5SD
Proposal	Erection of single storey rear extension (within a Conservation Area)
Publicity end date	18th August 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	The site is within Linthwaite Conservation Area and is otherwise unallocated land within the Kirklees Local Plan
Extension to Time (EoT)	Requested to 15.9.2023 **EoT Date:**
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.

NOTE: Whilst the property is located within the Linthwaite Conservation Area, it is not considered that the proposal would affect the setting of the Conservation Area and therefore has not been advertised as such by site notice or press notice.

NOTE: In addition to the above, the site is within a corner plot and paragraph 5.23 of the SPD relates specifically to these types of plots. However the SPD refers to front and side extensions with this application proposing a rear extension. As such, the guidance in relation to corner plots is not relevant in this instance.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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 30** – Biodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **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 12: Natural environment
- 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	
Parish/Town Council comments sought	N/A	
Planning History	N/A	None
Consultations required	N/A	None

Assessment

Description of development:

The application seeks permission for the erection of a single storey rear extension.

The proposed extension would be located on the rear elevation of the property. The extension would be located on the shared boundary with the attached neighbouring property and would project 3 metres from the rear elevation of the dwelling. The extension would have a width of 2.6 metres with an eaves height of 2.6 metres rising to an overall height of 3.4 metres. The construction materials would be brickwork for the walls and concrete tiles for the roof with uPVC openings, to match the host dwelling.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – the garden area to the front, side and rear of the property would be retained.	
Be set behind the original building, and not projecting beyond the sides	Yes – the extension would sit to the rear of the property and not project beyond the side elevation of the property	
Maintain external access to the rear garden	Yes – external access to the rear of the	

	building would be retained	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – simple lean-to design, single storey in height and therefore subservient	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	It would comply with this criteria	
not exceed 4 metres in height	It would comply with this criteria	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties	It would comply with this criteria	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	It would comply with this criteria	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – it would not comply with this however the property benefits from Permitted Development Rights and therefore could construct an extension up to the shared boundary without the requirement of planning permission (subject to criteria)

Design and Visual Amenity:

Summary of local street scene/character:

Two storey semi-detached property within a corner plot between Pennine View and Pennine Gardens. The property is set up from the roadside to the north and hosts a garden to the front elevation, a pre-fabricated garage to the side elevation and a garden area to the rear. The shared boundary between the

application site and the attached neighbouring property is set at an oblique angle cutting across the rear of the neighbouring property.

The pair of semi-detached properties are constructed from brickwork at ground floor with render above with a concrete tiled roof which area similar in construction materials and design to the surrounding neighbouring properties. The host and surrounding dwellings are all characterised by two storey front elevation bay windows.

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	Limited projection of 3 metres. Limited views from public vantage points due to being located to the rear	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient due to being single storey and constructed from matching materials	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey and part width of the rear elevation – proportionate to the size of the host property	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match – brickwork for the walls and concrete tiles for the roof	✓
Roof style	• KDP 1 and 2 of the SPD	Simple lean-to design	✓

	• Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF		
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Door within rear elevation and window within side elevation facing garden area considered acceptable	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension -no alterations to general access arrangements	

The design of the proposal is therefore acceptable and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Historic Environment:

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 199 – 202 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal is not considered to harm the setting of the Conservation Area given it relates to a domestic extension in keeping with the host property and is

to the rear facing properties of a similar age and design. The proposal is therefore not considered to lead to harm within the Conservation Area.

The design of the proposal is therefore acceptable and accords with policy LP35 of the adopted Kirklees Local Plan, and the aforementioned policy with the NPPF as well as the requirements of Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Residential Amenity:

The main properties affected are:

- 44 Pennine View – attached neighbour to the west – hosts patio doors adjacent to the boundary – 45 degree line would not be met however there is a permitted development fall back position whereby a development of a similar scale could be undertaken in any event.
- 5 & 7 Pennine Gardens – flats to the rear of the property – separated by approximately 18 metres and existing boundary screening in place
- 48 Pennine View – adjacent neighbour to the south-east – set on a higher ground level with good separation and boundary screening

	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	Openings proposed within side elevation and rear elevation facing garden area – minimal impact on neighbouring properties and amenity – limited impact from roof light	✓
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	Whilst the extension would impact on light to the attached neighbours patio doors. – The proposal is single storey in height with a realistic fallback of permitted development	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Harm to attached neighbour mitigated by presence of the fence	✓

Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space	✓

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:

	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	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Property hosts a driveway and prefabricated detached garage – no additional bedrooms so parking unaffected	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary	✓

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:

	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	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30, Policy LP31 • Chapter 15 of the NPPF	Bat alert layer – no interference with existing roof so unlikely that bats would be affected – note can be attached to decision notice regarding bats *Strategic Green Infrastructure Network* – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As such, no special	✓

	• Chapter 14 of the NPPF	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 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**
None		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: 2023/91938

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, LP30, LP31, LP35, LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 & 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 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 and be retained thereafter.
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.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	23/861/01		4th July 2023
Existing block plan	23/861/02		4th July 2023
Existing elevations and floor plans	23/861/03		4th July 2023
Proposed elevations and floor plans	23/861/04b		4th July 2023
Proposed block plan	23/861/05		4th July 2023
Heritage Impact Assessment	23/861		10th July 2023
Climate Change Assessment	23/861		4th July 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:
Coal – none

12th September 2023