

**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>2023/62/92022/W</b>
Site Address:	12, Romsey Close, Lindley, Huddersfield, HD3 3GU
Description:	Erection of two storey side extension and associated alterations
Recommending Officer:	Lucy Taylor

**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: 08-Sep-2023**

## **Officer Report.**

**Reference:** 2023/92022

**Location:** 12, Romsey Close, Lindley, Huddersfield, HD3 3GU

**Proposal:** Erection of two storey side extension and associated alterations

## **Site Description.**

12 Romsey Close is a two-storey semi-detached property located in Lindley, Huddersfield. The property is faced in brickwork, with a gable roof above infilled with concrete tiles. The property benefits from front and rear garden amenity space, with on-site parking available via the driveway down the side of the property.

Within the wider streetscene of Romsey Close, there is a strong sense of similarity established. This is because the properties share the same style of design and construction, semi-detached, two-storey and faced in matching external materials.

## **Description of Proposal.**

Planning permission is sought for the erection of a two storey side extension.

The two storey side extension would have the following dimensions:

- Projection – 2 metres
- Length – 8 metres (set back 0.7 metres from principal elevation)
- Maximum height – 7.4 metres (set down 0.2 metres from host roof pitch)

The external walls of the extension would be faced in brickwork and the gable roof above would be infilled with concrete tiles.

Windows would be installed to the front and rear elevations and would be framed in UPVC.

## **History of Negotiations.**

No negotiations took place, and no amended plans were sought or submitted.

## **Relevant Planning History.**

No relevant planning history to application site.

To neighbouring properties:

- 2010/91201 – 13 Romsey Close – Erection of single storey and two storey extensions. *Granted.*

### **Representations.**

We are currently undertaking 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 which expired on 22 August 2023.

No representations were received.

Officers have noted the location of the application site in relation to a public right of way (PROW) ref:- HUD/407/20 and the Grade II Listed Building at No. 82 Cowrakes Road to the south and west of the site. However, given the distance of the proposed development from these, it was not deemed necessary to advertise the scheme as effecting either the PROW or Listed Building.

### **Consultation Responses.**

No consultations were deemed necessary.

### **Policy/Legislation.**

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 application site is located in an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Whilst the location of the application site in relation to PROW HUD/407/20 and the Grade II Listed Building No. 82 Cowrakes Road has been acknowledged, given the distance of the proposed development from these, it is not considered that the scheme would affect their setting and as such, no further assessment in relation to either the PROW or Listed Building is considered necessary.

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and improvement of local air quality

## **Supplementary Planning Documents:**

### Highways Design Guide SPD (2019)

### House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

## **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, together with Circulars, Parliamentary 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, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment.**

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

### **1) Principle of Development**

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing*

*required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

### **1) Impact on Visual Amenity**

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 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."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-  
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*  
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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.

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, heritage assets and landscape...'*

- *'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.

Paragraph 5.19 of the House Extensions and Alterations SPD sets out that *'Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area'*.

Paragraph 5.20 of the House Extensions and Alterations SPD goes further to set out that two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

The proposed two storey side extension would be set back from the front wall of the host house by 0.7 metres and would be set down from the host roof pitch by 0.2 metres. This set back and set down siting of the proposed extension encourages an overall subservient appearance, whereby the host dwelling would remain to be read as the dominant element. Furthermore, it is considered that the use of matching materials to face the extension would further encourage subservience, with brickwork to the external walls and concrete tiles to the roof. The forms of fenestration are also considered acceptable visually, in keeping with the architectural design of the host property, with regular windows to be framed in UPVC.

Whilst the proposed two storey side extension would not retain a gap of 1 metre from the side boundary, in this instance, the design of the extension is concluded to be acceptable, given the relationship of the property with No. 10 Romsey Close and the context of the wider streetscene. Within the wider streetscene, a two storey side extension, of a design similar to that as proposed under this application, has previously been granted approval and erected to No. 13 Romsey Close, directly opposite the site. As such, it is concluded that the impact of the proposal would not be significant in this case in this part of the street.

This conclusion is drawn on the fact it would see this part of the street developed in a similar design as that of the property opposite and in this case it is considered there is suitably justification in place in light of this fact such that refusal on the basis of visual impact could not be substantiated.

Given the individual merits of the application site and context of the streetscene, it is considered in this instance that the proposal would not cause

detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

## **2) 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.

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.

The proposal would see the retention of an appropriate extent of outdoor amenity space at No. 12 Romsey Close in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

The proposed two storey side extension is not considered to result in any significant undue impacts of overbearing or overshadowing for the occupiers of No. 14 Romsey Close. This is because the majority of new built form will remain set behind the existing dwellinghouse of No. 12, with the extension to be located to the western side of the existing host property. The small extent of the extension to project beyond the rear elevation of No. 12 (1 metre projection) will be set approximately 4.7 metres from the shared boundary with No. 14.

No glazing is proposed to face directly towards No. 14 Romsey Close, concluded to retain appropriate levels of residential privacy with regard to overlooking.

Whilst the two-storey side extension to No. 12 would not retain the suggested 1 metre distance from the shared boundary with No. 10 Romsey Close, it is not concluded that the proposal would result in significant undue impacts of overbearing or overshadowing for the occupiers of this neighbouring property. This is because the side elevation of No. 10 adjacent to the proposed extension is mainly blank, with only one window to the second floor, which is concluded to be either a secondary window or to serve a non-habitable room internally given its size, scale and location.

The rear projecting part of the two storey side extension would appropriately comply with the 45-degree rule as set out within Key Design Principle 5 of the

House Extensions and Alterations SPD, therefore concluded acceptable with regard to the rear glazing on No. 10 Romsey Close.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed development at 12 Romsey Close is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

### **3) 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.

The proposal would not increase the number of bedrooms within the interior of No. 12 Romsey Close and additional parking would be provided to the front elevation to compensate the loss of part of the driveway as a result of development.

A condition will be included upon any grant of permission regarding the surfacing of any additional areas of hard standing for drainage reasons.

A footnote will be included upon any grant of permission regarding works to the highway.

In turn, with the inclusion of the aforementioned footnote and condition, erecting the proposed extension at 12 Romsey Close would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

### **4) 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 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.

Considering the small-scale 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. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

## **5) Representations**

No representations were received.

## **6) 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: 2023/92022**  
**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 so as to ensure the satisfactory appearance of the development on completion, and to accord with policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 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 thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The extension hereby approved shall not be brought into use until the extended driveway has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

**Note:** The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**Note:** Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

**Note:** The application site is located in a high risk coal area.

Plans and Specifications Schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	-	-	6.7.23
Existing Plans and Elevations	01	-	6.7.23
Location Plan	-	-	6.7.23
Proposed Plans and Elevations	02	-	6.7.23
Climate Change Statement	-	-	6.7.23

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. No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

7.9.23