

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:	2023/62/92113/W
Site Address:	9, Birklands Road, Cowcliffe, Huddersfield, HD2 2PF
Description:	Erection of single storey rear extension with front and rear dormers, demolition of existing garage and erection of replacement garage and external 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: 08-Nov-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92113
Location	9, Birklands Road, Cowcliffe, Huddersfield, HD2 2PF
Proposal	Erection of single storey rear extension with front and rear dormers, demolition of existing garage and erection of replacement garage and external alterations
Publicity end date	31 st August 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land
Extension to Time (EoT)	Yes EoT Date: 10 th November 2023
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.

Policy

National

National Planning Policy Framework (NPPF) September 2023
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

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 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 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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought (Kirkburton)	N/A	
Planning History	N/A	

Consultations required	No	

Assessment

Description of development:

The application seeks permission for the erection of a single storey rear extension, front and rear dormer extensions and replacement garage.

Single storey rear extension

The proposed single storey rear extension would lie flush with the existing side elevations of the property and would project 4 metres. The extension would have a flat roof and would have an overall height which would be at the height of the existing eaves at 2.7 metres. Due to the sloping nature of the land, the rear elevation of the extension would be a height of 3.5 metres. It is proposed that a light lantern would sit upon the roof of the extension. The construction materials would be render for the walls with a single membrane for the roof.

Front dormer extensions

It is proposed that 2 no. dormer openings would be located to the front elevation roof slope. The dormers would sit above the existing bay windows and would be identical in terms of size and scale. The dormer would be 2.5 metres in width, 2 metres in height and would be set up from the gutter line by 0.5 metres and set down from the ridge of the roof by 0.6 metres. It is proposed that the front and sides of the dormers would be anthracite grey clad with grey interlocking tiles for the roofs.

Rear dormer extension

The proposed rear dormer would be large structure to the rear elevation roof slope. The dormer would be 8.8 metres in width, 2.8 metres in height and would project from the roof by 3 metres. The dormer would be set up from the gutter line by 0.4 metres and set down from the roof ridge by 0.6 metres. It is proposed that the front and sides of the dormer would be anthracite grey clad with a flat roof and felt/single membrane.

Replacement garage

It is proposed that the existing flat roof attached garage would be replaced with a structure on the same footprint as the existing with a pitched roof. The proposed attached side extension would project to the side by 2.3 metres being

a depth of 5.6 metres. The eaves height would be 2.2 metres with an overall height of 4 metres to the ridge of the pitched roof. The proposed construction materials would be brick for the walls and concrete tiles for the roof.

Other works indicated on plan

It is also proposed that all the windows in the property would be replaced with grey uPVC and a new door and frame would be installed. In addition, it is proposed that the existing driveway would be widened with a permeable surface. These works do not require planning permission as the property hosts full permitted development rights.

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:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – the private amenity space to the rear of the property would be retained	
Be set behind the original building, and not projecting beyond the sides	Yes – the extension would lie flush with the existing side elevations of the property	
Maintain external access to the rear garden	Yes – external access to the rear of the property would be retained	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – although a flat roof is proposed, this reduces the overall scale and bulk of the proposed extension	
not normally cover more than half the total area around the original house (including	Yes – it would comply with this	

previous extensions and outbuildings)		
not exceed 4 metres in height	Yes – it would comply with this	
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	Yes – it would comply with this	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A – flat roof proposed	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – it would comply with this	
Side extensions should:		
ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – the extension is set on a lower ground level of than the main body of the house and is set at an oblique angle to the neighbouring property	
position windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – no proposed side or rear elevation openings in side extension	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	Yes – it would comply with this	
not exceed a height of 4 metres	Yes – it would comply with this	
be set back at least 500mm from the original building line to allow for a visual break		No – however the structure is located on a lower ground level than the dwelling and therefore appears subservient and a clear addition to the property
Dormer extensions should:		

relate to the appearance of the house and existing roof	Front dormers – pitched roof to match the existing roof – grey clad front and side with tiled roof Rear dormer – large flat roof structure however does not exceed the volume increase allowed under permitted development	
be designed in style and materials similar to the appearance of the existing house and roof	Front dormers – see above Rear dormer – see above	
not dominate the roof or project above the ridge of the house	Front dormers – retains main roof as clearly read – aligned to be in keeping with bay windows – not projecting over ridge of house	Rear dormer – would dominate roof however realistic fall back position under permitted development – not projecting over ridge of house
be set below the ridgeline of the existing roof and within the roof plane	Front dormers – would comply with this Rear dormer – would comply with this	
be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant	Front dormers – would be aligned with existing bay windows Rear dormer – uniform window arrangement	

Design and Visual Amenity:

Detached bungalow located within a sloping site. Set back from roadside by front garden and driveway and larger garden area to the rear. Constructed from brick to the front elevation render to the side elevations and brick and render to the rear. The roof is constructed from concrete tiles.

Surrounding development consists of mainly two storey semi-detached properties which are also constructed from brick and render.

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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	Limited impact on street scene. Pitched roof dormers within front roof slope evident on Cowcliffe Hill Road. Limited impact from single storey extension and rear dormer as these are located to the rear and separated from properties to the south by Council owned woodland	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	Would provide accommodation within the roof area – front dormers aligned with bay windows. Side extension would replace existing side extension on same footprint and the roof form in keeping with the host dwelling. Rear dormer and single storey rear extension have realistic fall back position	
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Both side and rear extensions would be subservient to the host property with the front dormers not over-dominating the roof. Whilst the rear dormer is large, it is likely that this structure can be constructed without the requirement of planning permission (subject to criteria)	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP 	Rear and side extension would be matching materials with the dormers being anthracite grey cladding. These would match the	✓

	<ul style="list-style-type: none"> Chapter 12 of the NPPF 	proposed new windows. The roofs of the front dormers and the roof of the side extension would be constructed from tiles to match the existing	
Roof style	<ul style="list-style-type: none"> KDP 1 and 2 of the SPD Policy LP24 Design (a), (c) and (d) of the KLP Chapter 12 of the NPPF 	Pitched roofs to side extension and front dormers in keeping with host property. Flat roof to rear extension and rear dormer acceptable due to nature of the works	✓
Window proportions	<ul style="list-style-type: none"> KDP 1 and 2 of the SPD Policy LP24 Design (a), (c) and (d) of the KLP Chapter 12 of the NPPF 	All proposed new openings considered acceptable	✓
Accessibility for all users	<ul style="list-style-type: none"> KDP 17 of the SPD Policy LP24 Design (f) Chapter 12 of the NPPF 	No changes to existing access arrangements	✓

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:

- 11 Birklands Road – adjacent neighbour to the west – set on a higher ground level than application site – rear extension would be located adjacent to detached garage for this property – 45 degree line would not be cut
- 7 Birklands Road – adjacent neighbour to the east – set on a lower ground level than the application site – due to oblique siting, 45 degree line would not be cut
- 4 and 6 Birklands Road – facing properties – no reduction in separation distances therefore limited impact
- Properties on Halifax Old Road beyond rear boundary – separated by Council owned woodland at a distance of approximately 78 metres and therefore limited impact

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	No openings within side elevations of any of the extensions. Openings proposed within rear elevation of single storey extension facing garden area. No reduction in separation distances to the front of the property	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Due to the layout of neighbouring properties and topography, there would be limited impact on the neighbouring properties. No 45 degree line would be cut	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> • KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Due to the layout of neighbouring properties and topography, there would be limited impact on the neighbouring properties. No 45 degree line would be cut	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	Adequate garden space would be retained	✓

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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	N/A	N/A
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Proposed garage would not be of sufficient dimensions to park a vehicle however works are proposed to widen the existing driveway to accommodate further off-street parking. Acceptable level of off street parking proposed.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	None shown on plan however sufficient space to accommodate bins 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: Are the following acceptable?

	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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	Bat alert layer on Council mapping system – note to be attached to decision notice information of action to take should bats	✓

		be found during construction	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF 	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"> • 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	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 92113

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 and PL51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14, 15, 16 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the single storey side extension and external walls of the single storey rear extension hereby approved shall in all respects match those used in the construction of the existing building. The front and sides of the dormers hereby approved shall be of a dark grey colour finish. The materials of construction and colour finish approved by this condition shall be thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies '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) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan, Key Design Principle 16 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost 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	PP-12302070v1		17 th July 2023
Existing block plan, elevations and floor plans			17 th July 2023
Existing first floor plan			24 th July 2023
Existing site plan			24 th July 2023
Proposed first floor plan			24 th July 2023
Proposed site plan			24 th July 2023
Proposed block plan, elevations and floor plans			17 th July 2023
Climate Change Statement	Appendix A		10 th 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: 7th November 2023

