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:	**2023/62/92142/W**
Site Address:	9, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LW
Description:	Erection of front dormer, first floor and ground floor rear extensions and raised balcony. Application of render and dark cladding to external walls
Recommending Officer:	William Simcock

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.

Julia Steadman

AUTHORISED OFFICER

Date: 18-Mar-2024

Officer Report 2023/92142
9 Netheroyd Hill Road, Fixby

Site Description

The property is a detached dormer bungalow with a clay tile roof. It is located on the south-eastern side of the highway and is placed on land that is on a higher level. Vehicular access is gained by a double-width driveway at the north-western end of the site leading to a small sectional garage. A flat-roofed single-storey extension has been built at the eastern side and at the rear. It has a small front garden and a larger rear garden, where land levels also rise. On the opposite side of the road is woodland.

Description of Proposal

The proposal is for erection of front dormers, first floor and ground floor rear extensions and raised balcony, and application of render and dark cladding to external walls.

The ground floor rear extension would project 2m from the existing wall of the house – and 3.5m from the main rear eaves line – and would be the full width of the main rear wall. It would be topped by a roof terrace which would take up an area of about 10sqm. The extension would be 3m high including the parapet.

The first-floor extension (following amendments) would be in the form of a large dormer and would measure 4.0m from front to back, reaching to approximately 600mm from the roof ridge measured along the roof plane and coming to just above the eaves line at its lower edge. It would be 8.4m in width which would mean it would be 250mm short of the edge of the roof at each end.

The twin front dormers would each be 3.2m wide and would have a flat roof.

A central feature entrance, 3.0m wide and 4.5m high, would be constructed at the front.

The dwelling as proposed would contain a master bedroom and a second bedroom at first floor, and at ground floor one bedroom and a further room designated as bedroom / snug.

It is proposed that the greater part of the external walls will be finished with a light-coloured render. An annotation on the drawing states that the walls of the single-storey extension will be brick. The front dormers are to be timber-clad and the canopies dark aluminium. The plans also indicate that dark aluminium cladding would be used for the front dormers (one side elevation and the overhang), for panelling between windows for the front and rear.

History of negotiations/amendments received

26-Feb-2024: Amended plans making changes to design. The amended plans were not re-publicised since they represented a reduction in the overall scale and mass of the development as initially proposed and were not considered to raise substantial new issues that would require the opportunity for public comment.

15-Mar-2024: Further amendments increasing the height of the parapet at north-western side to 1.1m. This was, again, not re-publicised because it addressed a specific concern raised by officers and was not considered to give rise to new issues that would require new publicity.

Relevant Planning History

2024/90071: Certificate of lawfulness for proposed demolition of existing garage and carport and erection of replacement garage/summerhouse with driveway area. Awaiting determination.

Representations

Final publicity date expires: 04-Sep-2023

1 representation received. Summary of concerns raised:

- Extensions would dominate and detract from the original building, appearance would be inconsistent with other properties on this street and fail to make a positive contribution to the character of the area;
- Large rear extension and front dormer will affect light and outlook for windows and garden;
- Ceiling spotlights on balcony canopy will shine down into neighbouring property, causing nuisance.

Consultation Responses

None were deemed necessary in this instance.

Policy

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 without allocation on the Local Plan. It is in the bat alert layer.

Local Plan:

LP 21: Highways and access
LP 22: Parking
LP 24: Design
LP 30: Biodiversity and geodiversity.

Supplementary Planning Documents:

- KC House Extensions and Alterations (2021)
- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in G:\Planning\SPDs & Guidance Notes.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, 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 12 – Requiring good design

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development:

The site is without allocation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and

neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22. The Householder Extensions and Alterations SPD is a material consideration and any departure from the recommendations contained within it must be clearly justified.

2 –Impact on visual amenity:

Key Design Principles 1 and 2 set out general guidelines for assessing impact on character and visual amenity:

> KDP 1 – Local character and the street scene – Extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.
>
> KDP 2 – Impact on the original house – Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.

The following detailed design advice is applicable to this proposal:

- Paragraph 1.1 states that the council will be flexible where innovative and contemporary designs which enhance the appearance and character of an area are proposed.

- Rear extensions (part 5.1) should normally preserve at least half the original rear garden, be in keeping with the style of the house, not exceed 4m in height or project more than 4m (for a detached dwellings), eaves to be 2.5m or less, and retain a 1m gap before the property boundary.

- Part 5.2 advises that front extensions are not normally acceptable unless the house is well set back or screened, and that the extension is subservient and well designed.

- Part 5.4 advises that the design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house, and are more likely to be acceptable to the rear than the front, and in either case should retain at least a substantial part of the existing roof.

- Part 5.5 advises that balconies and roof terraces must not negatively affect local character.

The dwelling sits within a deep plot (the rear garden is almost twice as long as the front to back measurement of the existing dwelling) and is seen in the context of rising land both to the north and to the south. It forms part of a row of dwellings which are for the most part individually designed, have high hedges above the retaining walls marking the highway boundary, and have substantial gaps between their mutually facing side walls (at least, as

originally built). It is considered therefore that on this relatively self-contained site, it would be possible to build large extensions (provided they do not completely overwhelm the host building), of modern or innovative design, without giving rise to a jarring or strongly non-conforming appearance.

The rear extension would allow the retention of most of the rear garden. Eaves height would exceed 2.5m but in this respect it would be similar to the existing extension and, again, would not seem overbearing or incongruous in the context of a large plot.

The proposal has been modified, the main changes being that the rear first-floor extension is now set back from the gable ends of the house and does not encroach on to the roof of the new rear extension. It is considered that the rear first-floor extension would now respect the appearance of the dwelling as built.

The original roof form, and the majority of the existing roof surface at the front, would still be visible. It is considered that the scale and design of the front dormers would be acceptable.

The proposed feature entrance or front extension would project slightly beyond the main front elevation, which the existing feature entrance does not, but it would be clearly subservient, substantially set back from the highway boundary, and it is considered that it would enhance the property.

The overall scale of the extensions as proposed would not dominate the building.

It is considered that the rear extension would have a more cohesive appearance than the existing one and that the other alterations and extensions to the property would give rise to a pleasing contemporary appearance.

The architect has notified the case officer that the metal cladding would be anthracite grey, which can be the subject of a prescriptive condition along with the rendering being off-white. Since there is no brickwork on the exterior of the existing dwelling, a condition should also be imposed requiring that a sample of brick is supplied for approval.

Subject to the above, the proposed development would conserve and enhance the character of the townscape and would accord with the aims of LP24(a) and the relevant parts of the SPD referred to above.

3 – Impact on residential amenity:

Key Design Principles 3-6 are applicable:

3 – Privacy: Extensions should avoid overlooking and undue loss of privacy, having regard for the recommended minimum separation distances and site levels.

4 – Habitable rooms and side windows: Design and layout of habitable and non-habitable rooms to reduce conflict relating to light, privacy and outlook.

5 - Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens. When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines.

6 – Extensions and alterations should not unduly reduce outlook from a neighbouring property. Regard will be given to the established character of an area and existing feeling of openness.

The rear ground floor extension would be within the recommended 4m maximum projection and would comply with the 45-degree rule with respect to both neighbouring properties. The first-floor extensions at the rear would add considerable bulk to the property but as they would be offset from the side boundary lines by 4m to the north-west and 5.5m to the south-east, it is considered that the effect would not be overbearing to any adjacent property or give rise to undue loss of light. It is also considered that the front extensions, which are smaller in scale, would have no detrimental impact.

There is only one new side-facing window shown on the plan, in the south-eastern elevation. There is a high evergreen hedge between the position of this window and the next dwelling's curtilage (that of no. 7) and even if this were not permanently retained, the window would be several metres from the common boundary with no. 7. It is therefore considered that no further measures to protect privacy are required. The internal arrangement shows that the master bedroom would have a secondary side-facing window. But as this is an existing window and would therefore not give rise to increased overlooking compared to what already occurs, it does not need to be conditioned to be obscurely glazed.

Part 5.5 of the House Extensions and Alterations SPD referred to earlier recommends that balconies should be positioned (with screening added if required), so that they do not overlook neighbouring homes or gardens. They should also be sited away from locations that are sensitive to additional noise levels or disruption. It is noted that the balcony would be maintain a very large separation distance with respect to no. 7. With respect to the nearer property, no. 11 which lies to the north-west, it would be just under 4m from the common boundary. It is noted that no. 11 is set on higher ground, and a dense evergreen hedge separates the two properties. These factors go some way towards protecting privacy and would help to ensure that it does not give rise to an unreasonable level of noise when in use. The balcony would still allow at least a limited view into the neighbouring property's rear garden if not

fitted with adequate screening. Following the case officer's advice, the architect revised the plans to include a balustrade of 1.1m height of 1.1m in height above the surface of the roof terrace on the north-western side elevation. For the avoidance of doubt, it is recommended it be conditioned it be fitted with obscure glass panels (grade 5) and retained as such.

People standing or sitting on the balcony might still be able to see into the gable end window of no. 11, but this is already exposed to view from no. 9's garden and the corresponding gable end window anyway.

In summary it is considered that, thus conditioned, all elements of the proposed development would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b) and the relevant parts of the SPD.

4 – Impact on highway safety:

The dwelling as proposed would have up to four bedrooms (possibly only three, because one is designated as dual use). According to both the Highways Design Guide and the House Extensions and Alterations SPD, a house with four bedrooms should normally have three parking spaces unless a reduction can be justified. The existing driveway or forecourt is approximately 5m in width and over 5m in depth and as such will fit two standard cars. The detached garage could be used to provide further parking, but it does not meet modern standards, being only 2.9m wide measured externally, and cannot be relied upon to fulfil this role.

It is noted however that the existing dwelling has four bedrooms, and whilst the total amount of living accommodation would be increased, it is considered on balance that it would be difficult to justify requiring the applicant to provide increased car parking. It is considered on balance unlikely that the development would lead to increased parking on the public highway (except occasionally, by visitors) and that its impact on the future safety and convenience of highway users would not be materially negative.

The proposal is therefore deemed to be compatible with the aims of LP21 and 22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer. Land on the opposite side of Netheroyd Hill Road forms part of the Kirklees Wildlife Habitat Network. On the basis of an external viewing the building would appear to have no bat roost potential. The applicant's Climate Change Statement proposes the installation of a bat box to one or other of the side elevations; this can be the subject of a prescriptive condition. The south-eastern elevation would be preferable as it would be more sheltered from the prevailing winds. The standard precautionary note

will be added to the decision notice. It is considered that this would represent a reasonable enhancement measure that would ensure compliance with the aims of LP30 and Chapter 15 of the NPPF.

Land stability and contamination issues:
The site is in a deemed "low risk" area for coal mining legacy. The appropriate advisory note will be attached to the decision notice. There are no other known land stability issues, nor is the land suspected of being contaminated.

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 pre-dates 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.

The applicant's Climate Change Statement noted that the design takes into account the south facing aspect to benefit from solar gain to the rear and will utilise insulated plasterboard to the ceiling over minimum Building Regulation U-Value requirements. Should the budget allow higher spec glazing (circa 1.4U-Value) to be used to doors and new windows. It is considered that the design has, as far as is reasonably practicable, taken into account measures to reduce carbon emissions, in accordance with LP24(d) and guidance in NPPF Chapter 14, and that no specific conditions are necessary.

Note on submitted documents:
It is noted 3-D colour-rendered images have been submitted as part of the application. Following the amendments that have been made to the plans and elevations they do not fully accord with the final plans under consideration. They have therefore been treated as indicative, not definitive, and have not been added to the final list of approved documents.

6 – Representations:

Concerns relating to scale, design and residential amenity have been examined in detail earlier in the assessment but are highlighted here with other issues raised and officer responses.

- Extensions would dominate and detract from the original building; appearance would be inconsistent with other properties on this street and fail to make a positive contribution to the character of the area;

Response: Following modification of the plans, as detailed above, it is considered that the scheme as shown on the latest version of the plans would make a positive contribution to the character of the area.

- Large rear extension and front dormer will affect light and outlook for windows and garden;

Response: The proposal has been modified and reduced in size (especially the rear extension) during the application process and it is considered that its bulk and position relative to neighbouring properties would not be overbearing or affect light or outlook.

- Ceiling spotlights on balcony canopy will shine down into neighbouring property, causing nuisance.

Response: There is no mention of any form of artificial lighting within the design and access statement, nor on the approved plans. The proposed 3-D colour rendered image ('Image 6'- which as previously stated is to be treated as indicative only) does however show downlighters and a wall-mounted light. In general, domestic outdoor lighting is treated as being *de minimis* and outside of planning control. Whilst poorly-designed outdoor lights (especially security lights) may occasionally cause problems, the lights proposed appear to be designed more for the convenience of future users than security, and being installed under the canopy would further limit any possibility of problems arising from light trespass or glare. It is considered that in view of the separation distance between the proposed roof terrace and the nearest neighbouring property, which is also at a higher level, the prospect of any loss of amenity arising in the event of lighting being installed is very remote and that no conditions need to be installed to guard against this possibility.

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2023/92142

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 LP21, 22 and 24 of the Kirklees Local Plan and Key Design Principles 1-9, 12 and 15 of the House Extensions and Alterations Supplementary Planning Document.

3. Before development commences on the superstructure of the ground floor extensions, a sample facing brick shall be left on site for the inspection of (or a full product specification submitted to) the Local Planning Authority, and their approval in writing obtained. The development shall be implemented using the approved material. All external rendering shall be undertaken using an off-white through-coloured render. Any metal or artificial cladding shall be given a factory-applied anthracite grey (RAL 7016) finish before being installed.
Reason: In the interests of visual amenity and to accord with Policy LP24(a) of the Kirklees Local Plan and Key Design Principle 9 of the House Extensions and Alterations Supplementary Planning Document.

4. Before the rooftop balcony is first brought into use, a glazed screen which shall consist of obscure glass to give a grade 5 level of obscurity shall be installed along the north-western boundary of the balcony to the extent shown on the proposed elevations and with a minimum height of 1.1m above balcony level, and this shall thereafter be retained as such.
Reason: To ensure that the development does not cause loss of amenity to neighbouring residential properties arising from loss of privacy and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and advice within the House Extensions and Alterations Supplementary Planning Document.

5. Before the extensions are first brought into use, a minimum of one artificial bat roost feature shall be installed on the south-eastern elevation of the dwelling, either integral to the development or made of a durable weatherproof material, a minimum of 4m above ground level and not directly above a door or window.

Reason: To ensure that the development delivers an appropriate level of ecological enhancement, in accordance with the aims of Policy LP30 of the Kirklees Local Plan and Key Design Principle 12 of the House Extensions and Alterations Supplementary Planning Document.

NOTE: There is the potential for a bat roost to 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 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
Application form			18-Jul-2023
Location plan and existing floorplans	T2160_01		26-Jul-2023
Existing elevations	T2160_02		18-Jul-2023
Proposed floorplans	T2160_03	B	26-Feb-2024
Proposed elevations	T2160_04	C	15-Mar-2024
Proposed site plan	T2160_05		28-Jul-2023
Design & access statement			18-Jul-2023
Climate change statement			18-Jul-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 Planning 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 case officer undertook negotiations with the applicant to secure improvements to the design in the interests of visual amenity and to ensure the protection of privacy. The application was determined on the basis of the revised plans.

Report dated:

15-Mar-2024