

**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>2023/62/92158/W</b>
Site Address:	8, Weatherhill Road, Lindley, Huddersfield, HD3 3LD
Description:	Erection of first floor extension and 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-Feb-2024**

## **Officer Report**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92158>

## **Site Description**

8 Weatherhill Road is a relatively modern detached bungalow constructed from stone with a slate roof. The property is set within a modest plot and hosts a detached garage which has a front elevation sitting at right angles to the front of the dwelling and Weatherhill Road. The site sits within a corner plot with Weatherhill Road to the west and Briarlyn Avenue to the south. The property hosts a driveway. Due to topography, the property is set up from Weatherhill Road and up from the dwellings to the north.

Surrounding development consists of mainly semi-detached residential properties which vary in terms of style and design.

## **Description of Proposal**

The application is for the erection of a first floor extension and alterations.

The proposed extension would sit above the existing ground floor elevations along the central section of the property from east to west. The plans indicate that the eaves height would be raised from 2.8 metres to 3.8 metres with the ridge of the property being raised from 5.2 metres to 6.8 metres. The roof form would be altered to create a pitched gable fronted property from a hipped roof with roof lights inserted into the roof slope within both the north and south elevations.

In terms of the proposed alterations to the property, it is proposed that the existing chimney to the front elevation would be removed and two high level openings positioned in the east elevation of the existing property.

A porch is also proposed which would be located on the front (west facing) elevation which would project 1.6 metres from the front elevation of the property and would be a total of 3.6 metres in width. The height of the porch would be 2.9 metres to the top of the parapet roof.

It is proposed that the construction materials would be stone to match the existing with a blue slate roof, also to match the existing.

## **History of negotiations/amendments received**

Concerns were raised with the original submission of the application as the design of the first floor openings and the finishing materials due to the existing building being stone constructed and hosting traditional mullions at ground floor. Modern openings were proposed to the first floor which were not considered to be in keeping with the existing features within the property along

with the first floor being finished in render. As such, the plans were amended to reflect the traditional features of the existing building with a stone finish which were received on 21<sup>st</sup> December 2023 and 2<sup>nd</sup> January 2024 and form the basis of this assessment. As there was no change to the overall size and scale of the proposed development, it was not considered necessary to re-advertise the amended scheme.

### **Relevant Planning History**

- 1997/90573 Erection of kitchen extension and porch  
*Conditional Full Permission*
- 2009/93463 Erection of extension and alterations and erection of detached garage  
*Conditional Full Permission*
- 2010/90175 Erection of dormer bungalow  
*Conditional Full Permission*
- 2012/92399 Advertisement consent for 1 no. non-illuminated sign  
*Advertisement Consent Granted*
- 2015/91601 Erection of single storey extension to garage  
*Conditional Full Permission*
- 2015/92398 Erection of fence  
*Conditional Full Permission*
- 2019/92764 Erection of first floor extension  
*Refused for the following reasons*

*1. The proposed first floor extension, by reason of the scale, design and location, would appear discordant and incongruous in the streetscene and would not be subservient thereby failing to relate to or respect the host dwelling's original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan and advice within the National Planning Policy Framework.*

*2. The siting and design and scale of the proposed first floor extension would result in the location of a first floor bedroom window within close proximity to neighbouring private amenity space resulting in overlooking at close quarters. This would fail to retain a high standard of amenity for existing occupiers of the neighbouring dwelling contrary to Policy LP24 (b) of the Kirklees Local Plan and paragraph 127 (f) of the National Planning Policy Framework.*

The proposal the subject of this application is of a different design and scale, from that as refused by application 2019/92764. Consideration of the

application in cognisance of this case is discussed within the Assessment section of this report.

2020/91189 Erection of first floor extension  
*Conditional Full Permission*

## **Representations**

We are currently undertaking the legal 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.

Final publicity date expired 15<sup>th</sup> September 2023 – no representations received

Parish/ Town Council – not applicable

## **Consultation Responses**

None required

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

### Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup>

December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

### Legislation

### **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
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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. 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “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.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 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

With specific regard to the proposed development the SPD does not detail first floor extensions however it does refer to properties within corner plots and states that these should contribute to the local character of the area.

In terms of development to bungalows, the SPD states that “*careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.*”

It goes on to state that “*Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually unacceptable where the roof pitches and heights in the street scene are consistent.*”

In terms of the proposed porch, this would be an extension to the front of the property. In terms of front extensions, the SPD states that these are not normally permitted unless:

- The house is set well back from the pavement or is well screened; and

- 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 principle of a first floor extension to this property has been previously established under application number 2020/91189. Whilst this permission has now lapsed, the outline of the previously approved scheme has been transposed onto the submitted proposed plans for reference. In addition, following the previous permission being granted, the Council has adopted the House Extensions and Alterations SPD which is a material consideration in the assessment of this application.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

## 2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The application has been submitted and proposes a first floor extension and alterations to the existing dwelling. The proposed alterations include a porch and slight alterations to the fenestration details and the removal of a chimney.

The first floor extension would be constructed over the central part of the existing dwelling whilst retaining the north and south projecting elements at single storey height. The proposed increase in height is comparable to that previously approved although the design of the extension has been amended.

The design of the extension is such that the eaves height of the property would be raised and a pitched roof constructed which is a more traditional and simplistic design to that previously approved which contained gable features within the roof slope. Corbelling details have been incorporated into the north and south elevation eaves which adds visual interest to the increased height of the elevations.

The proposed fenestration details and construction materials have been amended from the original submission of the application and the resultant amendments would see the proposal become the a dominant design feature in relation to the host property.

In this case weight is afforded the context of the street scene which is characterised by predominantly two storey dwellings of a stone construction. The proposal would be of materials sympathetic to those used in the street, including to those of a more recent development opposite the site. The appearance of the building would be a lower level two storey building, with single storey elements attached.

Whilst a number of single storey properties are to the immediate north and east of the site, these are of a design which incorporates rooms in the roof. As such it is considered that in this case, given the individual design of the host property and within the setting of the wider locality it is considered refusal on the basis of the design of the scheme could not be substantiated given the amendments from that as initially proposed which have ensured the alterations would ensure a dwelling which has features in keeping with those of dwellings in the wider locality would be ensured. Having regard to the refusal of permission detailed in the planning history (ref: 2019/92764) it is considered the proposal would not be significantly out of keeping with the wider locality in this case.

With specific regard to the proposed porch this would be a modest structure with a parapet roof. In terms of its compliance with the SPD, this would be located on a property which is set back from the roadside; would be subservient with a roof height comparable with the existing eaves height; would be constructed from matching materials and; would not unreasonably affect neighbouring properties. As such, this element of the scheme is considered to comply with the SPD.

Taking into account the proposed development which would be constructed from matching materials, it is considered the proposal would have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

### 3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

In this case, with the exception of the porch, the property would not result in an increase in footprint and therefore, there would be no reduction in separation distances with surrounding development. The additional openings within the east elevation facing the neighbouring property on Briarlyn Avenue would be at high level and therefore there are minimal concerns. Having regard to the

refusal of permission detailed in the planning history (ref: 2019/92764) the proposal the subject of this application is not considered to lead to overlooking to a degree which was considered a reason for refusal in that case.

Within the first floor extension, openings are proposed within the front elevation with roof lights within the side elevation roof slopes. It is considered that the proposed openings are sympathetically located so as not to cause undue harm to the immediate neighbouring properties with the separation distance between the proposed extension and facing properties being retained as existing.

In terms of overshadowing and being overbearing, there is a sufficient separation distance from the surrounding properties to the north, south and west so as not to cause overshadowing. The overall height of the building would be comparable to that previously approved on site.

It is not, therefore, considered that there would be a significant impact on the neighbouring properties in terms of overshadowing or being overbearing and therefore, the proposal is considered to be acceptable in terms of overshadowing, overbearing and overlooking considerations. It is therefore concluded the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

#### 4 – 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 submitted plans indicate that the resultant property would accommodate 4 no. bedrooms. The SPD states that for dwellings with 4 no. bedrooms or more, require 3 no. off-street parking spaces to be provided. The property hosts a garage, which, under the previous application, it was confirmed that this was not utilised for parking of cars and therefore there is no garage provision for the property. However, the property hosts a large forecourt to the front of the building where there is sufficient space for the parking of 3 no. vehicles. Therefore, the proposal would comply with Key Design Principle 15 of the SPD, Policies LP21 and LP22 of the Kirklees Local Plan and advice within the NPPF.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

#### 5 – 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 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 application has been submitted with a Climate Change Statement which details the proposed mitigation measures. Due to the size and scale of the proposed works, it is considered that these mitigation measures are acceptable in this case.

*Biodiversity* – Paragraphs 186 to 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the Kirklees 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 180 and 189 of the National Planning Policy Framework.

#### 6 – Representations:

None

#### 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:**

**Officer Recommendation:** 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 51 of the Planning and Compulsory Purchase Act 2004.

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, LP30, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9,12, 15, 16 and 17 of the Council’s adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 12, 14 and 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 retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within 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	2855 – LOC		19 <sup>th</sup> July 2023
Existing site plan and ground floor plan	2855 – 01		21 <sup>st</sup> December 2023
Existing elevations	2855 – 02 – A		21 <sup>st</sup> December 2023
Proposed floor plans	2855 – 03 – B		21 <sup>st</sup> December 2023
Proposed elevations, site plan and 3D perspectives	2855 – 04 – B		2 <sup>nd</sup> January 2024
Climate Change Statement	Appendix A		1 <sup>st</sup> August 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.

Concerns were raised with regards to the proposed construction materials for the first floor extension and also the proposed first floor fenestration details. In

response, the Agent has amended the plans which were received on 21<sup>st</sup> December 2023 and 2<sup>nd</sup> January 2024 and form the basis of this assessment.

**Report Dated:** 6<sup>th</sup> February 2024

Coal – low