

**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:	2023/62/92198/E
Site Address:	47, Oddfellows Street, Scholes, Cleckheaton, BD19 6NX
Description:	Erection of first floor side extension
Recommending Officer:	Katie Wilson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 06-Feb-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92198
Location	47, Oddfellows Street, Scholes, Cleckheaton, BD19 6NX
Proposal	Erection of first floor side extension
Publicity end date	19 th October 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes EoT Date: 6 th February 2024
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	✓	

If 'No' to all above, proceed with a fast track report

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) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development

- NPPF Chapter 12 – Achieving well-designed places and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- 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	n/a
Parish/Town Council comments sought	N/A	

Planning History	None	None at the application site. At 45, Oddfellows Street: 95/91224 – erection of first floor extension. Conditional full permission 95/91995 – erection of first floor extension. Conditional full permission. At 43, Oddfellow Street: 93/03771 – erection of first floor conservatory extension. Conditional full permission. 02/91359 – Erection of conservatory. Conditional full permission.
Consultations required	None carried out	

Assessment

Although the application is for a first floor side extension, it is regarded as effectively a two storey side extension. The Kirklees SPD sets out that two storey side extensions should comply with certain dimensions set out at paragraph 5.20 on page 29 (and listed below) and if they do not, they need to be justified:

Two-storey side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
not take up all or most of the space to the side of a house		No. It would take up all or most of the space to the side of the house. However, it would be directly above the existing single storey, flat roofed side element, which appears to be part of the original design of the house and several neighbouring

		properties in the same row. Most of the others have first floor side extensions of various designs. These mitigating circumstances are sufficient to provide justification for not complying with this criteria.
Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No. For the same reasons as above, it is considered that there are sufficient mitigating factors to justify non compliance with this criteria.
Be set back at least 500mm from the front wall of the house.	Yes. The first floor element would be set back approximately 1.0m from the front elevation.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: The application property is a 2-storey detached house thought to date from the 1970's with flat roofed integral garage attached to the side. It is located within a short row of similar houses that line part of the northern side of Oddfellows Street. Most of these other houses have first floor extensions to the side of various designs. Their front elevations are faced in natural stone with stone coloured brickwork elsewhere and their roofs are dual pitched with front facing gable ends.

There is a small area of open ground immediately to the rear of the application site, but more widely there are a variety of houses to the north, east and west, whilst to the south there are open fields on the opposite side of Oddfellows Street. Some of the open fields are subject to a planning application for residential estate, the remaining fields are in the Green Belt.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	A relatively modest first floor side extension, in an area where similar properties have a variety of extensions at first floor. In officers' opinion the proposal would fit in quite comfortably and not harm the local character and street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed extension would be set back from the front elevation approximately 1.0m and whilst the ridge height would be to match, its width would be under 2/3 rd that of the original part of the house. It is therefore considered that the proposal would appear subservient to the original house. This would be compliant with KDP2 and policy LP24 of the KLP.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As above.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing and roofing materials would be to match those used on the existing house, and this is compliant with KDP 9 of the SPD and policy LP24 of the KLP.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	It would have a dual pitched roof which is in keeping with that on the original part of the house. The angle of pitch would be lower, but nevertheless this is considered not to detract from the appearance of the host dwellinghouse, and is acceptable in terms of KDP 1 and 2 of the SPD and policy LP24 of the KLP.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed window on the front elevation would match those on the host dwellinghouse. On the rear elevation would be set of patio doors and Juliet balcony. This would replicate to some extent the bi-folding doors at ground floor level in the rear elevation. Whilst it is unknown if the existing bi-folding doors are original features, it is nevertheless thought that the Juliet balcony feature would be inkeeping with the domestic appearance of the building.	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	✓

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: Are the considerations in the following table acceptable?

The main properties affected are:

- *No. 45, Oddfellows Street – This is a similar 2-storey detached house to the west of the application site. It already has a first floor extension with front facing dormer above an original single storey side element.*

	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.	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	In this instance the proposed extension would be very close to the boundary with 45, Oddfellows Street and have no openings in its side elevation. The facing side elevation at 45, Oddfellows Street contains one door and small window at ground floor with one other small window at first floor level to a landing. There would be a separation distance of around 3.0m. The new first floor includes habitable accommodation that would have a view to the rear. As the existing first floor includes windows it is not considered that the proposed will result in a loss of privacy over and above the existing relationship. Provided permitted development rights are removed for new openings in the side of the proposed first floor	✓

		extension, the proposal is considered to comply with KDP3 & 4 of the SPD and policy LP24 of the KLP.	
Impact on light and outlook of neighbours	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The additional massing of the proposed first floor side extension would have potential to cast additional shade particularly in the first half of the day. However, this would be mainly over the side eastern side of the house and external walkway. Much of the front and rear outdoor amenity space would be unaffected. Whilst the footprint of the houses in this row are slightly staggered, it is considered that this would not have a significant impact upon the outlook from 45, Oddfellows Street. The main windows to this neighbouring property look directly out onto the front and rear gardens and in officer's opinion would be largely unaffected by the proposed extension. As such it is considered to be compliant with KDP 4, 5, & 6 of the SPD. It would accord with policy LP24 of the KLP.	✓

- *No. 49, Oddfellows Street - This is another detached 2-storey house located to the east of the application site.*

	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.	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	As the proposed extension would be on the opposite side of the building, and screened by the massing of the host building at the application site. It is considered that it would have no impact upon privacy of the neighbours at 49, Oddfellows Street.	✓
Impact on light and outlook of neighbours.	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	For the same reasons as above, it is considered that there would be no impact upon light and outlook of the neighbouring occupiers.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Front and rear garden would be unaffected by the proposed side extension.	✓

Land immediately to the rear of the application site is a small square area of open space, completely surrounded by other houses. The area appears to be too small and possibly unviable to develop for housing. In officers' opinion the additional massing of the proposed side extension and the window / Juliet balcony would have very limited further impact upon this land to the north, over and above the overlooking and overbearing / overshadowing impacts for the existing house at the application site.

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: 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 highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The application site is accessed from Scholes Lane (B6120) via Oddfellows Street, dual width and part adopted road with unmade surface serving numerous houses. The application site has a front garden that has been completely paved and could take up to three cars parking in parallel on the frontage. The current proposal would not affect the existing parking spaces. It would however create an additional bedroom and amount to an intensification of the existing use. However, in this instance there would be sufficient parking at the front to accommodate the intensification of use and so is acceptable from a highway safety point of view.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As above.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv)	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. There	✓

	Chapter 12 of the NPPF	is also external access to allow household waste bins to be wheeled to the front of the property. Condition not considered necessary.	
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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	- KDP 13 of the SPD - Policy LP24 Design (d) (i) (iv) Policy LP33 Trees - Chapter 12 of the NPPF	n/a	n/a
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - Chapter 15 of the NPPF	Biodiversity – Great Crested Newts. The Council's mapping system indicates records of great crested newts within the vicinity of the site. However, the proposed development would be at first floor level only and around 260m from the nearest record of a Great Crested Newt. As such it is considered that there would be no significant impact upon them.	✓
Carbon Budget / Climate change statement	- 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. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.	
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Impact on flooding	Addressed above under 'drainage and flood risk' consideration	✓

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: 2023/92198

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 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 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.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within the west facing side elevation of the approved first floor side extension.

Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Principles 1, 2 and 3 of the Council's House Extensions and alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 3.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Dwg no. 02		21 st July 2023
Plans and elevations as existing	Dwg no. 01		21 st July 2023
Plans and elevations as proposed	Dwg no. 02		21 st 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: 02.02.2024

