

**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:	2023/62/92262/W
Site Address:	61, Tanfield Road, Birkby, Huddersfield, HD1 5HD
Description:	Erection of single storey extension to rear (within a Conservation Area)
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 11-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92262
Location	61, Tanfield Road, Birkby, Huddersfield, HD1 5HD
Proposal	Erection of single storey extension to rear (within a Conservation Area)
Publicity end date	29 th September 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	The site is within the Birkby Conservation Area and is otherwise unallocated land within the Kirklees Local Plan
Extension to Time (EoT)	Yes:18.1.2024
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	✓	

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.

NOTE As the property is located within the Birkby Conservation Area the proposal was originally advertised by neighbour notification letter, site notice and by newspaper advertisement as being either within a Conservation Area or affecting its setting. Although amendments have been received, these have not been re-publicised as these reduced the scale of development.

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
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment
- NPPF Chapter 16 – Conserving and enhancing the historic 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 35** – Historic environment
- **LP 51** – Contaminated and unstable land

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 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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The application was submitted with a large rear dormer extension. Due to the impact of the proposal on the Conservation Area and also being in direct line of the nearby Grade II* Listed Church, it was considered that the dormer would harm the setting of the Church by adding a large flat roof

		structure to the roof scale. It was therefore requested that the rear dormer was omitted from the scheme. Amended plans were submitted which omitted the dormer on 9 th November 2023
Parish/Town Council comments sought	No	N/A
Planning History	N/A	No history
Consultations required	Yes	Conservation and Design – informal comments – no objection to single storey extension subject to construction materials being natural stone and roofing materials to match – object to dormer as it is directly in line with Grade 2* Church which is of high significance - direct view from back lane - almost all traditional pitched roofs remain in historic form which would harm setting by adding large flat roofed structure which would be discordant with character of roofscape and not harmonise with its current and historical form

Assessment

Description of development:

The application seeks permission for the erection of a single storey rear extension.

The proposed single storey extension would be located on the rear elevation of the property and would replace the existing outrigger which appears to be an original feature. The extension would extend the full width of the rear elevation at a projection of 4.5 metres with steps allowing access into the rear garden and to the basement area. The roof form would be a lean to roof for a projection of 3 metres with the additional 1.5 metre projection having a flat roof at a height of 3 metres. The proposed construction materials would be natural stone for the walls with a roof form to match the existing.

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 submitted details demonstrate the available amenity space to the rear of the property and there is also a small garden to the front of the property.	
Be set behind the original building, and not projecting beyond the sides	Yes – the extension would sit to the rear of the property and not project beyond the side elevation of the property	
Maintain external access to the rear garden		No – there is no external access to the rear garden as existing due to being a mid-terraced dwelling
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – the rear extension would have a lean-to roof which is in keeping with the style of the existing outrigger – the small flat roof section is not considered to be detrimental to visual amenity	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	It would comply with this criteria	
not exceed 4 metres in height		No – the extension would be at total height of 4.3 metres however this is due to the floor level of the property being higher than the external ground level – similar in height to other extensions within the

		rear elevation street scene
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		No – the extension would project 4.5 metres which is 1.5 metres beyond the rear elevation of the attached property No. 63 and that recently approved at No. 59
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – the eaves would be approx. 3 metres due to the floor level of the property being higher than the external ground floor level
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – – it would not comply with this however the property benefits from Permitted Development Rights and therefore could construct an extension up to the shared boundary at a projection of 3m without the requirement of planning permission (subject to criteria). To set the extension in from the side boundaries by 1 metre would significantly reduce the internal accommodation and would result in an appearance which would not be in keeping with the street scene

Design and Visual Amenity:

Summary of local street scene/character:

Two storey mid-terraced dwelling constructed from stone with a tiled roof with an outrigger on the rear elevation. Amenity areas to the front and rear. Surrounding development are mainly terraced dwellings with similar outriggers, some of which have been extended across the full width of the rear elevations and some with two storey rear elevation additions. Some outriggers have been extended the full depth of the rear garden areas.

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 	Projection would be 4.5 metres which would project 1.5 metres beyond the rear elevation of No. 63 and 1.5 metres beyond the rear elevation of the other attached neighbour No. 59 which has an extant permission for a rear elevation extension. This would not be discernible from the street.	✓
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 	Subservient due to being single storey and constructed from matching materials	✓
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 	Single storey and full width of the rear elevation – proportionate to the size of the host property	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Material are to match	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) 	Part flat and part lean-to roof style – as in the main part this would be a lean-	✓

	<ul style="list-style-type: none"> and (d) of the KLP • Chapter 12 of the NPPF 	to this would cause limited harm	
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 	Proposed door and window openings – proportionate to those in the existing dwelling	✓
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 proposed alterations to the access to the property at the front of the dwelling	✓

The design of the proposal, on balance and in this isolated case, is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Historic Environment:

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 205 – 208 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal is considered to have a neutral impact on the setting of the Conservation Area given it relates to a domestic extension in keeping with the host property and is to the rear facing properties of a similar age and design. There are a number of mono-pitch and flat roofed single storey structures in the street scene to the rear. In the context, the proposed development would

harmonise with the existing character and appearance of the area. The proposal is therefore not considered to 'harm' the Conservation Area.

The design of the proposal is therefore acceptable and accords with policy LP35 of the adopted Kirklees Local Plan, and the aforementioned policy with the NPPF as well as the requirements of Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Residential Amenity:

The main properties affected are:

- 59 Tanyard Road – similar property to the north – has conservatory to the rear and an extant permission to infill the section between the outrigger and the side elevation adjacent to the proposed extension – extension would project 1.5 metres beyond the rear elevation of the approved extension causing limited harm as it has a flat roof of limited height from existing floor level.
- 63 Tanyard Road – has a single storey rear extension which would extends to the shared boundary (former outrigger) - extension would project 1.5 metres beyond the rear elevation of his projection causing limited harm, as no. 59.
- 99 St John's Road – facing neighbour beyond rear boundary – has an outrigger extending depth of rear amenity space – limited impact due to built construction already in place

	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 proposed openings within either side elevations which would impact on overlooking at close quarters – rear elevation openings would face rear garden area – separated from dwelling beyond rear elevation by an adopted highway	✓
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 	Limited harm should No. 59 implement approved permission. No undue impact, on balance, if not.– limited impact on No. 63 as additional 1.5	✓

		metre projection at single storey height would not cause significant harm	
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 	Limited impact – see above	✓
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 	Acceptable level of amenity space 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 	Limited parking provision within the rear amenity space – no additional bedrooms proposed so parking unaffected	✓
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 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:

	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 – no interference with existing roof so unlikely that bats would be affected – note can be attached to decision notice regarding bats	✓
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
N/A	None	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: 2023/92262

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, LP35 and LP51 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 House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external walls and roofing materials for the pitched roof element 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 the wider significance of Birkby Conservation Area and in accordance with Policies LP01, LP02, LP24 and LP35 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 and 16 of 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
Proposed site plan	UD-537		8 th August 2023
Existing elevations and floor plans	UD-537 – 01		8 th August 2023
Location plan and proposed floor plans	UD-537		9 th November 2023
Proposed elevations	UD-537		9 th November 2023
Climate Change Statement	Appendix A		8 th August 2023
Heritage Statement (re rear extension only)			8 th 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.

The application was submitted with a large rear dormer extension. Due to the impact of the proposal on the Conservation Area and also being in direct line of the nearby Grade II* Listed Church, it was considered that the dormer would harm the setting of the Church by adding a large flat roof structure to the roof scale. It was therefore requested that the rear dormer was omitted from the scheme. Amended plans were submitted which omitted the dormer on 9th November 2023

Report Dated: 10th January 2024