

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:	2023/62/92285/W
Site Address:	23, Aldonley, Almondbury, Huddersfield, HD5 8SH
Description:	Erection of two storey side and rear extensions with loft conversion
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: 17-May-2024

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92285>

Site Description

23 Aldonley, Almondbury is a semi-detached two storey dwelling located within an area without notation on the Kirklees Local Plan. The property has a white rendered finish with an interlocking tiled roof with dark grey uPVC fenestration details. To the front of the property is a garden area which is hardstanding for off-street parking and to the side is an attached outhouse which is shared with the neighbouring dwelling to the north-west, No. 21. To the rear of the property is a larger garden area which hosts a detached outbuilding towards to the rear boundary of the site and a single storey extension is attached to the rear elevation of the property.

Surrounding development is primarily residential with the dwellings being mainly semi-detached and finished with render of varying finish and colour. The roof forms of the properties vary from hipped roofs to pitched roofs.

Description of Proposal

The application is for the erection of two storey side and rear extension with a loft conversion which would incorporate a hip to gable extension and rear elevation dormer.

Two storey side extension – it is proposed that a two storey side extension would be constructed. The extension would project to the side by 1 metre and span the full depth of the dwelling. The extension would have an eaves height to match the existing and the roof form altered from a hip to a gable. It is also proposed that the section of outbuilding under the ownership of the applicant would be extended at first floor level. This section of extension would be set back from the front elevation of the property by 3.7 metres and would project to the side by 1.9 metres. The eaves height of this section would lie flush with the existing eaves with the roof line set down by 1.2 metres.

Two storey rear extension – the proposed two storey rear extension would replace the existing single storey extension. The extension would sit adjacent to the boundary with the attached neighbouring property and would project 3.4 metres with a chamfered corner at a depth of 1.5m at first floor level. The extension would have a limited width of 3.5 metres with a flat roof set just above the eaves of the existing. It is proposed that the construction materials would match the existing.

Rear dormer extension – it is proposed that a dormer extension would be located within the rear elevation roof slope. The dormer would be set up from the gutter line by 0.5 metre and would be sited within the existing and proposed

roof slope. The roof of the dormer would be set down from the ridge of the extended dwelling by 0.3 metres and would be set in from the side elevations of the property.

History of negotiations/amendments received

Amended plans were sought to reduce the overall size of the dormer extension and also a 45 degree line demonstrated from the attached neighbouring property's upper floor windows to ensure there would be no undue impact on the amenity of the occupiers of that property.

In response, amended plans were submitted on 20th February 2024 that demonstrated a reduction in the overall size of the dormer, changed the roof form of the two storey rear extension from a shallow pitched roof to a flat roof and also a chamfered corner on the first floor element of the rear extension to achieve a 45 degree line. These amended plans form the basis of the assessment.

Relevant Planning History

None

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 28th April 2024

Parish/ Town Council – not applicable

As a result of the public consultation period one representation has been received with the summary of comments set out below:

- Extension will join and also be built on top part of neighbouring property and will have major changes and disruption to outhouse
- During construction the outhouse will be left open and not secure and there would need to be walls dropped and roof removed and rebuilt
- Construction works will be noisy
- Concerned that neighbouring property would not be left in the same condition or an improve condition after works completed and that the extension may not be completed which would result in outhouse and utility room without a roof or walls
- Dormer would directly overlook neighbouring garden so will intrude on privacy
- Extension out of keeping with street scene and would make the houses look more like terraces than semi-detached houses as the space between the houses would be lost
- No third party wall agreement in place

The amended plans were considered to make changes to the proposal's design (reductions) and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultations

None

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).

Kirklees Local Plan:

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

Supplementary Planning Documents:

- 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 20th December 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

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 8: Energy efficiency
- Key design principle 9: Construction materials
- 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

With specific regard to the proposed development the SPD states that in terms of side extensions, rear extensions and dormers, the SPD states:

First floor side extensions

Paragraph 5.22 of the SPD states that these should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

Two storey rear extensions

Section 5.8 on page 25 of the SPD states that two storey sections should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

Dormers

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers and states that these should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

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 site is a semi-detached property which is set on a similar ground level to the immediate neighbouring properties. It is important to note that the property benefits from full permitted development rights and therefore certain works, as applied for in this case, could be constructed without the requirement of planning permission. This includes the provision of a hip-to-gable roof form being created and also the formation of a dormer extension.

In terms of this particular application, a number of works are proposed which include a hip-to-gable roof, a two storey side extension, two storey rear extension and a rear elevation dormer extension.

There is provision under permitted development to change the roof form of the property from a hip-to-gable. This altered roof form would alter the character of the host property, pair of semi-detached properties and the uniformity of the roof slopes within the street scene, however there are pitched roof properties within the wider area. Whilst this element of the scheme would not completely comply with Key Design Principles 1 and 2 of the SPD, there is a realistic fall back position in place by exercising Permitted Development Rights and therefore it would be unreasonable to refuse the application on this basis due

to the potential to carry out the works without the requirement of planning permission.

It is noted the proposal would increase the size and scale of such works by 1m in this case. The proposal would therefore have the potential to be replicated elsewhere within the street under pd rights. The impact of the proposed two storey side extension, hip to gable and flat roof dormer is considered to have no discernible increased impact visually than the undertaking of such works within the roof of the host property.

In terms of the first floor side extension, to the front elevation the extension would project to the side by 1 metre and span the full depth of the property. It is also proposed to build over the existing rear section of the outbuilding which is under the ownership of the applicant. As such, the extension would be visually smaller in relation to the original house. To the front elevation, the extension would lie flush with the extended ridge however the larger part of the projection would be set back from the front elevation of the property and would have a roof line which is set down from the existing. Whilst a gap of 1 metre would not be retained between the side of the extension and the boundary, due to part of the extension being set so far back from the front of the house, it is not considered that a terracing effect would occur and there would be a sense of space around the building. Therefore, whilst not compliant with the SPD, it is considered that the points that do not comply can be justified in this case.

With regards to the rear extension, this would replace the existing single storey rear extension – being the same projection but slightly wider with the projection and width of the extension being 3.4 metres. The plans have been amended to remove the roof of this part of the extension and therefore the structure would have a flat roof which would sit slightly above the eaves height of the main property. In terms of its compliance with the SPD, the extension would be proportionate to the size of the original house, would not exceed 50% of the total area of land around the original house however would exceed 3 metres in projection and is not set in from the shared boundary by 1.5 metres. At ground floor, the projection would be the same as the existing and at first floor the side elevation would be chamfered therefore would be set in from the boundary by 1.7 metres at its furthest point. Whilst a flat roof design with a chamfered first floor would be slightly awkward in terms of the visual appearance of the structure, as the rear of the property would be of reduced visibility from public vantage points, it is considered that this element of the scheme is, on balance, acceptable.

There is a dormer proposed within the rear elevation roof slope which has been slightly reduced in size from the original submission, at the request of the Case Officer. The dormer would sit within the confines of the existing and extended roof form and therefore relates to the appearance of the house and existing roof, it can be conditioned to be a matching colour to the existing roof and would be set up from the gutter line and down from the ridge with acceptable fenestration details. As such, in terms of visual amenity, the resultant impact of the dormer would be acceptable.

In terms of the materials of construction, the application form indicates that the materials would be white render for the walls with double roman interlocking tiles for the roof, to match the existing property. Whilst the specific details of the dormer materials are unclear, it is considered that a condition can be attached to the decision notice to ensure that it would either tile hung to match the existing or a dark grey colour to match the existing roof.

The extensions, in totality, are, on balance, considered to relate satisfactorily to the host building and 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 terms of overlooking, there are proposed openings additional openings within the ground and first floor of the front elevation and rear elevation of the proposed side extension, ground and first floor rear elevation of the rear extension and the ground floor side elevation of the rear extension and dormer window. In terms of the front and rear openings within the side extension, these would not decrease any established separation distances and therefore are considered acceptable. In terms of the openings within the side elevation of the two storey rear extension, these would be isolated to the ground floor and screened by the existing fence and set away from the boundary with the adjoining property and also considered acceptable. In terms of the rear elevation openings within the two storey extension, the ground floor openings would face the garden area and the upper floor openings and dormer would also face the garden area and the garden area beyond the rear boundary at 15 Sharp Royd. This property is set on an oblique angle to the application site and separated by approximately 21 metres which is in accordance with the SDP. Whilst comments have been received raising concerns regarding overlooking from the dormer, the separations distance between the dormer openings and the existing and proposed openings within the existing rear elevation of the property would not be reduced and therefore the impact from these openings are considered to be acceptable.

In terms of overshadowing and/or being overbearing, the proposed side two storey side extension would decrease the separation distance between the application site and the adjacent neighbour whereby a first floor opening is existing within the side elevation of No. 21 Aldonley. Due to the siting of this window, it appears that this is a secondary window to the staircase and

therefore a non-habitable room. As such, there are minimal concerns regarding the impact on this opening. With regards to the impact from overshadowing on this property from the proposed first floor side extension, the extension would lie flush with ground floor rear elevation of the outbuilding and therefore would not project beyond any existing building line to the rear of the property and therefore there would be limited impact on the amenity of No. 21.

In terms of the impact of the scheme on the attached neighbouring property, No. 25, as the extension projects more than 3 metres at two storey level, concerns were raised to the Agent regarding the impact of the scheme on this property.

Key Design Principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance it was considered that the 45 degree line would be impacted by the first floor element of the two storey extension on the first floor neighbouring openings and therefore amended plans were sought to demonstrate any harm to this neighbouring property.

The agent has submitted amended plans which show that the extension would comply with the 45-degree rule with respect to the large window in No. 25 and as a result has chamfered the corner of the first floor element of the extension to ensure that the 45 degree line would not be cut.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and 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.

In this case the plans indicate that the resultant property would accommodate 6 no. bedrooms over three floors of accommodation. Key Design Principle 15 indicates that for 4 + bedroom properties, 3 no. parking spaces should be required.

The layout of the site is such that 2 no. parking spaces would fit comfortably within the front amenity area of the property which is covered by hardstanding.

On-street parking is available and unrestricted and therefore acceptable in this instance.

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.

A Climate Change Statement has been submitted which indicates mitigation measures that would be incorporated into the scheme and considered acceptable of the size of development proposed.

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:

One letter of representation has been received with the following being a summary of comments and LPA response:

- Extension will join and also be built on top part of neighbouring property and will have major changes and disruption to outhouse

Response: This is not a material planning consideration that the LPA can afford significant weight to in this case given the impact of development upon neighbouring structures would be a civil matter were damage to occur. The scale of the development is considered to be such that it would not be reasonable of the LPA to insist upon a construction management plan to be submitted as part of the application.

- During construction the outhouse will be left open and not secure and there would need to be walls dropped and roof removed and rebuilt

Response: This is a private matter that would need to be addressed between the relevant land owners

- Construction works will be noisy

Response: The scale of the development is considered to be such that it would not be reasonable of the LPA to insist upon a construction management plan to be submitted as part of the application. Were noise to be undertaken to a nuisance level this matter could be investigated by the Council's Environmental Health Team.

- Concerned that neighbouring property would not be left in the same condition or an improve condition after works completed and that the extension may not be completed which would result in outhouse and utility room without a roof or walls.

Response: This is a private matter that should be addressed between land owners

- Dormer would directly overlook neighbouring garden so will intrude on privacy

Response: The impact of overlooking from the dormer extension has been addressed above

- Extension out of keeping with street scene and would make the houses look more like terraces than semi-detached houses as the space between the houses would be lost

Response: The impact of the works on the street scene has been addressed above

- No third party wall agreement in place

Response: This is a private matter that should be addressed between land owners

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: 2023/92285

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, LP51 and LP53 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 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, 4, 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 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.

4. The dormer extension shall be either tile hung to match the existing roof or shall be finished with cladding of a dark grey colour finish 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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	003		31 st July 2023
Existing floor plans	001		31 st July 2023
Existing elevations	002A		31 st July 2023
Proposed floor plans	004B		20 th February 2024
Proposed elevations	005B		20 th February 2024
Climate Change Statement	Appendix A		9 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.

Amended plans were submitted on 20th February 2024 that demonstrated a reduction in the overall size of the dormer, changed the roof form of the two storey rear extension. These amended plans form the basis of the assessment.

Report Dated: 15th May 2024

Coal – low

