

**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:	2023/62/92383/E
Site Address:	11, Moorside Court, Moorside, Cleckheaton, BD19 6AY
Description:	Erection of two storey and single storey rear extension and associated external works
Recommending Officer:	Edward Cheseldine

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: 09-Nov-2023

Officer Report

2023/92383 - 11, Moorside Court, Moorside, Cleckheaton, BD19 6AY

Site Description

11 Moorside Court is a modern, two storey, detached dwelling in Cleckheaton. The building is constructed with stone exterior walls which fall under a cross-gable roof. Tiles on the roof are a dark grey composite material.

The property benefits from a modest front and rear garden with a double driveway to the front. The rear garden borders other residential back gardens which are separated by walls and fencing. There is a significant height difference between the application site and houses to the west. Properties in the local vicinity are similar builds in terms of age and material, forming part of the same housing development.

Description Proposal

The applicant is seeking permission for the erection of a two-storey and single storey rear extension and associated works.

Single Storey Rear Extension

The single storey rear extension would project ~4.00m from the existing rear elevation, at a width of ~7.50m. In terms of height, the extension would be ~3.00m with a flat roof. The extension would feature patio windows and would be clad in dark stained timber.

Two-storey Rear Extension

The two-storey extension would project ~2.70m from the rear elevation, at a length of ~4.50m. It would be a height of ~5.65m and have a flat roof style with a 'green' roof.

Additional Alterations

There would also be additional windows placed on the ground floor level of the east and west elevation and patio doors on the rear elevation.

Public Representations

The application was advertised by neighbour notification letters which expired on 22 September 2023. As a result of the publicity 6 representations were received. A full report of the representations received can be viewed on the Kirklees Planning Website. A summary of the planning concerns is as follows:

- There would be a loss of privacy to the neighbouring property as a result of the proposed balcony.
- There would be a loss of privacy to the neighbouring property as a result of the size of the openings and projection of the extension.
- There would be a loss of sunlight into neighbouring private amenity space from the extensions.
- There will be a loss of sunlight into habitable rooms from the extensions.
- There will be a loss of natural light to habitable rooms of neighbouring properties.
- The extension materials are not in keeping with the character of the area.
- There will be a disturbance to local bird, bee and bat habitats.

The points raised by the representations will be individually assessed within the visual and residential amenity sections of the report.

Consultation Responses

None.

History of Negotiations

Amended designs were requested by the planning officer in order to reduce the impact of the proposed extensions. The new designs were found to be policy compliant in terms of visual and residential amenity, reducing the harm to neighbouring residents.

The amended plans have not been readvertised as they reduced the scale and amended the design in order to reduce any impact.

Relevant Planning History

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).

The site is unallocated on the Kirklees Local Plan Proposals Map.

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) (SPD) on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this House Extensions and Alterations Supplementary Planning Document will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 July

2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental matters
- 5) Representations
- 6) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extension and Alterations Supplementary Planning Document) on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Impact on Visual Amenity

This development includes the formation of a single storey rear extension with two-storey above that will be assessed separately, as well as cumulatively. Extensions should relate to existing buildings in terms of size, scale and form, and should not detract from the character of the host. Considering the

additional massing of the building, care should be taken as to not appear dominating to other buildings or the host dwelling.

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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.*'
- Key Design Principle 2 of the House Extensions & Alterations SPD states '*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 details.*'

Rear Extension

Paragraph 5.8 of the House Extensions and Alterations Supplementary Planning Document states that two-storey rear extensions 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;
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The two-storey element of the rear extension is subservient to the host dwelling, leaving a good proportion of the original dwelling unaltered. It will project 2.70m from the original elevation. Although the eaves of the extension will be greater than 3.00m, there will be a 1.50m gap to the property boundary as required by the House Extensions & Alterations SPD. The flat roof is

similar in height to the eaves of the existing property, appearing relative to the dwelling.

Visually, there will be a change in material from the stonework of the property. Whilst the use of an alternative material to stone would be different the SPD does not preclude the use of contemporary materials and LP24d) sets out that using innovative construction materials and techniques can contribute to the aims of sustainability. Furthermore, the limited use of a natural wood material is considered acceptable and will weather in time to compliment the host building. The rear extension will not be visible from the public domain and will not cause harm to the general character of the property or wider area. The two-storey element therefore complies with the guidance set out in the House Extensions & Alterations Supplementary Planning Document.

Paragraph 5.6 of the House Extensions and Alterations Supplementary Planning Document states that single storey rear extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The ground floor extension will cover a footprint that is less than half of the footprint of the existing dwelling whilst maintaining a substantial area of the rear garden. It will project 4.00m from the existing rear elevation which is in keeping with design guidance. Additionally, there will be a 1.50m gap to the boundary.

A justification was sought by the planning officer as there is a departure in character from the existing dwelling and other properties in the estate due to the proposed material type and flat roof style. Under paragraph 4.4 of the House Extensions and Alterations Supplementary Planning Document contemporary design and modern interpretations can be submitted for consideration. The justification stated;

- Moorside court is a 'modern traditional' development, where this property is the first in the property group to extend, the extension fits the profile for a 21st century modern approach to design.
- Modern sustainable materials will be used complying with sustainability standards.
- Whilst the extension has modern design elements these features will be subservient to the original dwelling, leaving a high proportion of the stone rear elevation visible.
- The proposed green roofing will also provide a benefit to the wider ecology of the area as well as improving the sustainability of the house with the added benefits a green roof has (insulation, sound barrier).

Taking the justification into consideration, the extension will be consistent with the 'modern traditional' style of the wider building group. Sustainable materials will be used as part of the construction which complies with the local plan and National Planning Policy Framework policies on climate change. Notwithstanding the above, there is no material harm to the host property or wider area due to the proposal.

Side windows will be placed on the extension as well as the west face of the property. Whilst the openings on the extension are generally large, they are placed on the rear elevation and are consistent with the modern style of the alterations.

Having taken the above into account, the proposed extension would not result in any material harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.
- Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*'

Impact on 5 Moorside Court

5 Moorside Court is to the west of the application site. Its rear garden borders the application site. No. 5 rests on higher ground than the application site as such there is a high boundary wall where a 1.8m fence rests as a border treatment. In terms of privacy, there will be two windows placed on the existing first floor side elevation of the application dwelling. These will be obscurely glazed to ensure privacy levels are maintained. The introduction of the ground floor side window is not considered to result in any loss of privacy due to existing screening and relationship. There are no additional side windows facing the property that would result in any loss of amenity. The first-floor of the proposed rear extension will be visible from the outlook and garden of No.5. At the request of the Officers, amended plans have been received that reduce the height of the extension from original plans in order to reduce impact to the neighbour, additionally, there is a 1.50m gap from the extension to the property boundary. There will be a ~12.20m gap between the nearest habitable room and the proposed extension, therefore there will not be an overbearing impact or a substantial loss of outlook that will have a material impact. Additionally, as the roof height is equal to the eaves there should not be a loss of sunlight to the garden or habitable rooms. Due to the angled relationship it is considered that the first floor openings will not have any detrimental impact on the neighbouring occupants as a consequence of overlooking.

Impact on 7 Moorside Court

7 Moorside Court is also to the west of the application site at a level equal to the existing side elevation. There will be two side windows installed on this elevation, however they will be obscurely glazed to maintain privacy levels. There will be no there impact to this property.

Impact on 15 Moorside Court

15 Moorside court is to the east of the application site and is the adjacent dwelling. The nearest side elevation of the extension will be ~5.00m from the

boundary treatment, which is a 1.8m fence on top of a low stone wall. The rearward face of the building is level with the existing rear elevation of the application property.

In terms of privacy there will be new side facing windows on the ground and first-floor. To ensure privacy, the first-floor side window will be obscurely glazed. Due to the obtuse angle of the windows, boundary treatment and change in elevation to the first-floor windows of No.15 any loss of privacy will not be material when taking into account the positioning and relationship of existing windows to the neighbour and, as such, in this instance acceptable. The terrace originally shown on the plans has been removed.

Given the distance to the boundary with the projection and roof style, it has been assessed the proposal would not present an overshadowing or overbearing impact. Similarly, there will not be a loss of outlook.

Impact on 39 Pearson Street

This dwelling is to the north of the application site and shares the rear boundary of the site. There will be new windows, including the Juliet balcony facing the property. It is estimated there will be an ~18.70m distance between the most rearward proposed window and the neighbouring habitable window. The House Extensions & Alterations Supplementary Planning Document stipulates there should be a 21.00m distance between habitable windows. Whilst this is taken as guidance, there are mitigating factors that officers will take into consideration if the distance is less than that outlined. In this case, the Juliet window is to the west of the rear elevation. The window therefore faces directly to the west of the dwelling at No. 39 on to high fencing. Whilst the angle of outlook is slight, there is still an appropriate distance between the two openings. In this instance, the angle of outlook and distance is suitable to mitigate a negative impact to privacy levels. Additionally, the new opening is only 3.00m closer than the existing outlook. In terms of the ground floor windows, the boundary treatment, and change in height from to the first-floor windows at No. 39 will mitigate a negative impact to privacy. Given the distance to the boundary it has been assessed the proposal would not present an overshadowing or overbearing impact. Similarly, there will not be a loss of outlook.

The proposed development is considered to be a sufficient distance away from any other neighbouring properties and/or angled so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. This applies to numbers 1 and 3 Moorside Court.

Impact on Highway Safety

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

The proposal will create additional living space including adding a one bedroom, making the dwelling a four-bedroom property. There are currently two off-street parking spaces attached to the dwelling. Whilst the additional bedroom could strain current parking provisions, parking on the street is currently free and sufficient and the development will not have an adverse impact on highway safety.

There is considered to be sufficient space for bin storage on the site, and waste collection is to remain unaltered.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Environmental Matters

Biodiversity

The proposal is for the construction of a two-storey extension which will affect the main roof of the existing dwelling. The dwelling is relatively new and following a site visit does not have gaps where bats good roost. Although, the site is situated in an area that is known to include bat habitats, if signs of bat habitats were found, expert advice should be taken and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were 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.

Representations

Six representations were received due to the application being advertised by neighbourhood notification letters. In coming to an assessment, concerns relating to design have been found to be justified under paragraph 4.4 of the

House Extensions and Alterations Supplementary Planning Document, as well as through design amendments such as reducing the height of the extension and removing the balcony.

Concerns relating to residential amenity have been overcome through the removal of the proposed balcony and obscure glazing. Matters have been fully addressed in the residential amenity section of the report and it is not considered that a refusal can be justified in this instance.

Conclusion

This application for the erection of extensions at 11 Moorside Court, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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

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.

1. 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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. The development shall not be occupied until the proposed first-floor side windows to the east side elevation (including the bathroom, ensuite and bedroom of the extension hereby approved) have been obscurely glazed (to a minimum Grade 4). The development shall not be occupied until the proposed first-floor windows in the west side elevation (including the two ensuite) of the dwelling hereby approved have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

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 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Grouped plans and elevations – Existing	(EX)001	1	09/08/2023
Location plan	(EX)002	1	09/08/2023
Grouped plans and elevations – Proposed	(20)001 REV B	2	26/10/2023
Block plan	(20)002 REV A	2	26/10/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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. Amendments were sought to minimise the impact of the development, including reducing the height of the extension, reinstate a 1.50m gap to the boundary and removing the balcony.