

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:	2023/62/92431/W
Site Address:	17, Rafborn Avenue, Salendine Nook, Huddersfield, HD3 3UJ
Description:	Erection of single storey rear extension and alterations
Recommending Officer:	Laura Yeadon

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 26-Oct-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92431
Location	17, Rafborn Avenue, Salendine Nook, Huddersfield, HD3 3UJ
Proposal	Erection of single storey rear extension and alterations
Publicity end date	26 th September 2023* amended plans not re-publicised as these reduced the scale of development
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated – without notation within the Kirklees Local Plan
Extension to Time (EoT)	No EoT Date:
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.

Policy

National

National Planning Policy Framework (NPPF) July 2021
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

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 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 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Following concerns with regards to the overall projection of the proposal on neighbouring properties the plans were amended to reduce the projection to 5 metres, with justification submitted for departing from the SPD. Amended plans were received on 25/10/2023 which also retained the existing hedge to the north-east boundary
Parish/Town Council comments sought	N/A	

Planning History		• 2004/91031 – Outline for residential development – S106 Outline Permission • 2007/91505 – Reserved Matters for 4 detached dwellings with integral garages – Approved (permitted development rights for extensions removed). • 2011/92888 – Tree works – granted • 2021/90407 – Tree works – part granted/part refused • 2021/92085 – Tree works – granted
Consultations required	N/A	

Assessment

Description of development:

The application seeks permission for the erection of a single storey rear extension and alterations. The extension would be positioned to the rear of the property along the south-eastern boundary lying flush with the existing elevations incorporating the 'snug'. The extension would project 5 metres from the rear elevation of the 'snug' with the eaves and ridge height being a continuation of the existing. Construction materials would be to match.

Alterations are also proposed which includes the removal of the masonry below the existing 'snug' window on the north-west facing side elevation of the property to enable a full height opening to be inserted and also the utility room door would be walled up as would the existing opening within the side elevation on the south-eastern facing side elevation.

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 garden area to the rear and the amenity space to the front would be retained	

Be set behind the original building, and not projecting beyond the sides	Yes – the extension would lie flush with the existing side elevations of the 'snug' section of the property	
Maintain external access to the rear garden	Yes – access to the side of the property would be retained	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – single storey in height with a simple roof form which is a continuation of the existing	
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	It would comply with this criteria	
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 5 metres from the rear elevation of the 'snug' section of this bespoke property which appears to be original. Extension is to the rear and therefore limited views from public vantage points – visually considered to be acceptable
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – the extension would have an eaves height of 2.9 metres. Additional 0.4 metres is not considered to compromise the visual amenity of the structure

retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	It would comply with this criteria	
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Design and Visual Amenity:

Summary of local street scene/character: Two storey modern detached property located within a gated development of 4 no. individually designed dwellings which vary in terms of size, scale and design. Due to topography, the dwellings to the south-east of the property set on a lower ground level than the application site with the originally approved plans indicating accommodation within the basement area of the properties known as No's 19 and 21. Constructed from natural stone with a blue slate roof. An area of trees with a Tree Preservation Order runs along the western boundary of the site.

The properties beyond the rear boundary are characterised by two storey semi-detached dwellings constructed from stone and render with detached garages within 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	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Limited views from public vantage points as located to the rear with built development surrounding the property. Design of extension in keeping with host property	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	On balance, subservient due to being single storey and constructed from matching materials	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	Single storey in height and width being a continuation of the existing projection	✓

	and (d) of the KLP • Chapter 12 of the NPPF		
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match – natural stone for the walls and blue slate for the roof	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Simple pitched roof – continuation of the existing	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Large sliding doors proposed which will face the garden area of the property – considered acceptable in terms of visual amenity	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangements	✓

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:

The main properties affected are:

- 19 Rafborn Avenue – detached dwelling to the south-east of the application site – set on a slightly lower ground level with small lower ground floor openings within rear elevation – 45 degree line would not be met however as the extension is to the north of this neighbour there would be limited impact in terms of loss of direct sunlight – it is noted that this property has a rear terraced which is elevated above the ground level of the application site.

- 15 Rafborn Avenue and 159 Laund Road – detached dwellings to the west of the application site – limited impact due to separation distance and screened by area of Tree Preservation Orders
- 145 and 147 Laund Road – located to the north-east beyond the rear boundary of the application site – screened from proposed extension by existing hedges and no openings within rear elevation facing these properties

	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)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Limited impact on surrounding properties – property most affected would be No. 19 adjacent to the application site however the extension is to the north, therefore limited loss of direct light. Openings facing this property are proposed to be built up with walling and therefore minimises harm to privacy.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited impact, now reduced, due to being single storey in height and orientation to no. 19 and separation from other properties.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited harm due to extension being located to the north of the immediate neighbour	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space, more so now the extension has been reduced in projection with hedge 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	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No additional bedrooms proposed therefore parking unaffected	✓
Provision for waste storage	• 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 to retain existing provision.	✓

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)	No impact on existing trees covered by TPO – hedge to north-east boundary would be	✓

	(iv) Policy LP33 Trees • Chapter 12 of the NPPF	retained. Although large windows would face towards the trees, they are well separated from the proposed extension and no direct or indirect threat to trees is anticipated.	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat alert layer – interference to roof would be at single storey height and therefore limited impact on bats – note can be attached to decision notice regarding bats	✓
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. A Climate Change Statement has been submitted with this application.	✓
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
N/A	N/A	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: 2023/92431

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 and LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 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
Location plan	23/919/01		17 th August 2023
Existing block plan	23/919/02		17 th August 2023
Existing elevations and floor plans	23/919/03		17 th August 2023
Proposed elevations and floor plans	23/919/04b		25 th October 2023
Proposed block plan	23/919/05b		25 th October 2023
Climate Change Statement	23/919		17 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. Concern were raised to the Agent regarding the proposed projection of the extension. Amended plans were received which reduced the projection from 6 metres to 5 metres and the hedge along the north-east boundary retained.

Report Dated: 25th October 2023

Coal - low