

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:	2023/62/92714/W
Site Address:	7, Smithy Way, Lindley, Huddersfield, HD3 3ZD
Description:	Erection of single storey side and rear extensions
Recommending Officer:	Joanna Rednall

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: 07-Dec-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92714
Location	7, Smithy Way, Lindley, Huddersfield, HD3 3ZD
Proposal	Erection of single storey side and rear extensions
Publicity end date	3 November 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Mixed use in Local Plan
Extension to Time (EoT)	Yes / No / N/A EoT Date: 12th December 2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

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

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) September 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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The design of the proposal in the context of the SPD and fact the proposal incorporates land which appears to have formed part of the curtilage of the neighbouring dwelling. The agent justified the proposal with the following:

		- The width of the existing house is only 4.6 metres wide, which would leave the garage with an internal dimension of 2.7 metres, below the highway's minimum standard width for a garage. - The boundary of the property is offset, so a section of the garage would be screened by the existing boundary fence. - The side extension is set back over 6 metres from the front of the house, so it would not have the same impact on the street scene an extension at the recommended 500mm would do. It is noted that notice has been served on other relevant land owners and that the sale of part of the adjoining land to the applicant would be a civil matter between the respective land owners in this case, which would not impact upon provision of vehicular parking / pedestrian areas.
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

The application seeks permission for the erection of a single storey side and rear extension. The side extension projects ~ 4.8 metres from the south facing elevation and extends ~ 6.5 metres along the property. It would be set back approximately ~3.2 metres from the front elevation of the property. The rear extension projects ~ 2.1 metres from rear elevation and extends ~ 2.3 metres along the rear elevation. The proposed side extension would project ~1.4 metres further than the rear extension. The side extension would have one window on the west-facing elevation overlooking the rear garden, as well as a door. The rear extension would be served by patio doors as well as two rooflights.

The height of the eaves on the side extension would be ~1.4 metres reaching a total height of ~2.1 metres to the ridge of the roof. The eaves height on the rear extension would be ~1.3 metres and reach an overall height of ~1.7 metres to the ridge of the lean-to roof.

The Kirklees SPD sets out that single storey side and rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.6, 5.15, 5.16 and 5.17 on pages 23, 24 and 28 (and listed below) and if they do not, they need to be justified:

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – the rear extension projects 2.1 metres so is SPD compliant, and it is likely only the proposed roof would be visible from the attached neighbour due to the existing fence.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – there are no windows on the extension which would overlook neighbouring properties	
Single storey side extensions should:		
Not extend more than two thirds of the width of the original house		No – the side extension projects ~4.7 metres, and the width of the host property is 4.6 metres wide. Approximately ~0.9 metres of the proposed side garage would be screened by existing boundary fence. In addition the development is set well back from the front elevation of the host property, and predominantly located in the rear amenity space. As such it is considered the proposal would be acceptable in

		light of this suitable justification.
Not exceed a height of 4 metres	Yes – the height of the extension does not exceed 4 metres	
Be set back at least 500mm from the original building line to allow for a visual break	Yes – the extension is ~3.2 metres from the original building line	
Rear extensions should:		
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – over half of the garden area is retained	
Be set behind the original building, and not projecting beyond the sides	Yes – the rear extension lies flush with the host dwelling	
Maintain external access to the rear garden		No – the side extension would close off external access to the rear garden however the rear garden would be accessible through the garage and side extension which is considered to be acceptable in this case.
Single storey rear extensions should:		
Be in keeping with the scale and style of the original house	Yes – proposed materials for the walls, roof, windows and doors are the same as existing	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – the rear extension lies flush with host dwelling	
Not exceed 4 metres in height	Yes – it does not exceed 4 metres in height	
Not project out more than 3 metres from the rear wall of the original house for	Yes – the extension would not exceed 4 metres	

semidetached and terrace houses or by 4 metres for detached properties		
Where they exceed 3m in length the eaves height should generally not exceed 2.5 metres	The proposal does not exceed 3 metres in length	
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – the extensions would leave ~0.2 metres between the boundaries however, in this case, this is concluded to be acceptable given the justifications put forward and the fact rear access would be able to be taken through the garage.

Design and Visual Amenity:

Summary of local street scene/character: modern semidetached properties where the dominant construction material is artificial stone with gable roofs constructed using black concrete tiles. The surrounding area is residential and similarly constructed as the application property. The application property benefits from a paved driveway with a modest sized garden to the rear.

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	Rear extension has a total projection of ~ 3.4 metres and would not be visible from public vantage points as there are existing dwellings surrounding the property. Side extension extends ~ 4.7 however would be screened from the front	✓

		of the property by existing boundary fence.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The extension is set back from the original building line and the materials and roof pitch matches the host property	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey rear extension is full width of existing rear elevation. The extension is in keeping with the appearance of existing area. Proposed materials are the same as existing materials.	✓
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 – artificial stone for walls, concrete tiles for the roof and UPVC for windows and doors.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Lean- to roof on the rear extension and pitched roof (matching host dwelling) on side extension.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Full length opening within the rear elevation – existing doors moved forward ~ 2.1 metres overlooking rear garden. No windows on side elevations – avoiding potential overlook on neighbouring properties.	✓
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:

- *9 Smithy Way – attached neighbour to the north – set on the same ground level and same building line – existing boundary fence would screen the rear extension and no windows are proposed on the north facing elevation.*
- *2 Smithy Way – adjacent neighbour to the south – set on the same ground level but set approximately 1.2 metres behind the application property – there is one first floor window facing the application property which is not considered to be significantly impacted upon by the single storey extension.*
- *11 Smithy Way – adjacent neighbour on the rear boundary – first floor glazed window overlooking number 7 - the proposed doors at number 7 would be towards number 11, however the openings would be approximately 11 metres away from this neighbour which is suitable and not considered to have a detrimental impact on the privacy of occupiers of this property.*

	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	The neighbouring windows facing number 7 are obscure glazed, therefore overlook and impact on privacy is likely to be minimal. The extension is also ~11 metre distance between extension and rear neighbouring window is met.	✓
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	The extension is considered to have minimal impact on the attached neighbour due to the scale of the proposed development and lean to roof design,	✓
Remaining garden space of	• KDP 7 of the SPD	Yes – over half of the garden space is retained, complying with KDP 7.	✓

application property	• Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF		
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The proposal is therefore concluded to be acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The side extension is set ~3.2 metres back from the front elevation of the property.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No additional bedrooms proposed so 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 there is sufficient space within the property 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	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	N/A
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 considered to be acceptable in terms of the above listed 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
None received		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: 2023/92714

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

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

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			12 September 2023

Plan Type	Reference	Version	Date Received
Block plan			12 September 2023
Grouped plans and elevations – proposed			12 September 2023
Grouped plans and elevations - existing			12 September 2023
Location plan			20 September 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 5th December 2023