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:	**2023/62/92715/W**
Site Address:	13, Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ
Description:	Erection of part single and part two storey side and rear extensions with associated 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.

John Holmes

AUTHORISED OFFICER

Date: 07-Nov-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92715
Location	13, Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ
Proposal	Erection of part single and part two storey side and rear extensions with associated alterations
Publicity end date	30th October 2023
Number of representations received	One
Kirklees Local Plan Allocation/Designation	Unallocated – without notation on the Kirklees Local Plan
Extension to Time (EoT)	N/A **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) 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
- 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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	
Planning History		2021/91540 – single storey wraparound extension – Approved and extant permission
Consultations required	N/A	

Assessment

The application seeks permission for a part single and part two storey side and rear extension.

The single storey element of the scheme has been granted permission and is extant. The difference between the schemes are essentially for a first floor extension to the side and a part width first floor extension to the rear.

The proposed two storey side extension element would be set back from the front elevation of the property by 0.4 metres and would span the full depth of the property at a width of 1.9 metres. The proposed first floor element would be set back from the front elevation of the property by 4 metres having an eaves height to match the existing with a roof ridge set down from the existing by 1.5 metres.

To the rear of the property the single storey extension would span the full width of the rear elevation projecting 3 metres, as previously approved. The two storey element would lie flush with the side elevation facing No. 15 Cawthorne Avenue having a width of 4.7 metres. The eaves height would match the existing with the ridge line set down from the existing by 1.6 metres.

The proposed construction materials would be to match the existing.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified. In addition, as a part-width two storey extension is proposed, this should comply with paragraph 5.8 of the SPD with the single storey rear element complying with paragraph 5.6.

Side extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – openings within side elevation of neighbouring property however these are already overshadowed by existing property as located due south	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – no proposed openings within side elevations of extensions	

Two storey side extensions should:		
Not take up all or most of the space to the side of a house		No – most of space to side of property would be constructed on – similar arrangement to next door however first floor extension would be set back and roofline set down. It is noted this can be constructed on in any event by the extant permission already in place.
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No – separation would be approximately 0.3 meters however due to first floor being set significantly back, and the ground floor element of the side extension also being set back, from front elevation and set down from the roof ridge, no significant terracing effect would occur
be set back at least 500mm from the front wall of the house		No – would be set back 0.4 metres at single storey height – clearly subservient as this section is single storey in height
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)	Yes – projection of 3 metres – more than 50% of total land around the house remaining	
not project out more than 3 metres from the rear wall of the original	Yes – the projection is 3 metres	

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		No – the height would exceed 3 metres within 1.5 metres of the boundary however the two storey element is in keeping with the scale of the extension on adjacent neighbour
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		No – terracing effect would not occur due to the extension being set back from front elevation and down from roof ridge
not adversely affect habitable room windows where they adjoin a neighbour's boundary		Windows in adjacent property appear to be to non-habitable rooms
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	Yes – it would comply with this	
not exceed 4 metres in height	Yes – the single storey element would be 3.8 metres	
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	Yes – the extension would project 3 metres	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A	
retain a gap of at least 1 metre from a property		No – would project to the boundary however there is an extant

boundary, such as a wall, fence or hedge		permission in place which has the same proximity to the shared boundary with the neighbouring property

Design and Visual Amenity:

Semi-detached, two storey property located within residential area. Closely spaced within adjacent neighbour No. 15 however that property has been extended to the side and rear at two storey height. The ground floor front elevation is constructed from stone with the first floor all of the side and rear elevations being pebble dash render. The roof is constructed from slate.

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	Subservient structure set down from existing ridge and set back from front elevation at both ground and first floor levels	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	As above and with matching materials	✓
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	As above – no terracing effect would occur with adjacent extended property due to set down of the roof and set back of front elevation	✓
Facing materials and detailing	• KDP 9 of the SPD	Would match the existing and can be secured by condition	✓

	• Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF		
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Pitched roof in keeping with 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 openings in keeping with existing	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	No changes to access	✓

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:

- 15 Cawthorne Avenue – adjacent neighbour to the north – extended to side and rear with two storey extension – openings within side elevation facing proposed extension however these are noted as bathrooms on approved plans and therefore non-habitable rooms. No terracing effect due to proposed plans being set back from front elevation and significantly down from roof ridge
- 11 Cawthorne Avenue – attached neighbouring property – single storey rear extension adjacent to shared boundary already has permission. Little impact from two storey element due to being set in from shared boundary by approximately 2.5 metres.
- 27 York Avenue – neighbour beyond rear boundary – set an oblique angle and separated from rear extension by approximately 20 metres

	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	No openings within side elevation of extensions which would cause 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 loss of outlook to No. 11 due to single storey element located adjacent to boundary. Two storey side extension would have some impact on windows in neighbouring property however these appear to be to non-habitable rooms	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited impact as the existing host property already impacts due to being located due south of the adjacent neighbour. Taking account of the scale of the proposal, and extension already in place to no.15, it is considered the impact of the proposal would not be significant in this regard.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Adequate garden space remaining	✓

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 off-street parking provision as existing with none proposed – adequate on-street parking available such that it is not considered necessary to require provision of off street parking as part of the proposal given the positive visual contribution made by the front amenity space.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however ample space to front of property to store bins	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD	N/A	N/A

	• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat Alert layer on mapping system – note to be attached to decision notice	✓
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**
No emergency access to mechanical, electrical and plumbing installations	This is a material planning consideration which is afforded minimal weight in the determination of this application and it is considered it would be unreasonable of the LPA to refuse permission on such grounds.	✓
House values	This is not a material planning consideration which can be afforded	✓

	significant weight in the consideration of this case given the scale / nature of the development which is proposed.	
Extension close to bedroom and bathroom openings	This has been addressed within the assessment	✓

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: 2023/92715

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, 9, 12, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 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 and be 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.

NOTE: The Council's GIS system indicates that a bat roost 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.

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.
Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	PP-12449246v1		12th September 2023
Existing elevations and floor plans	10013/01		12th September 2023
Proposed elevations and floor plans	10013/02		12th September 2023
Location plan, existing and proposed block plans	10013/03		12th September 2023
Climate Change Statement	Appendix A		13th 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: 6th November 2023

Coal - low