

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:	2023/62/92911/W
Site Address:	51, Longwood Edge Road, Salendine Nook, Huddersfield, HD3 3UY
Description:	Erection of two storey, first floor and single storey extensions, and associated external alterations.
Recommending Officer:	Tom Hunt

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: 6th December 2023

Officer Report

Site Description

2023/92911 – 51, Longwood Edge Road, Salendine Nook, Huddersfield, HD3 3UY

The application site comprises of a two-storey detached dwelling with a single-storey attached garage which is set back and up from the roadside separated by a large front garden with a tarmacked driveway/turning area which is accessed off Longwood Edge Road. It is bounded by low dry-stone walls at the front. To the rear of the property is a large garden area. It is a 4-bedroom house.

The east side of the Road is residential with most properties erected from 1990 onwards; the dominant material palette is cast stone with concrete tile and properties are detached in the main. There is one detached property (No. 69), erected from 2019 with a more modern architectural style and built with tumbled natural stone and Marley tile roof tiles. The host property is unusual when compared to adjacent properties being more linear in design compared to the more compact neighbouring properties with considerably closer property gaps to flank boundaries. The host property has the appearance of being in keeping with the surrounding development in use of stone materials and architectural features.

The west side of the Road is Green Belt land with the immediate land adjacent being undeveloped with land falling away to the southwest.

Description of Proposal

Erection of two storey, first floor and single storey extensions, and associated external alterations.

A proposed porch extension is to be positioned forward of the host and reconfigured in design to be a pitch roof with gable feature at front with stone base and glazing to the front and flank elevation. It would project 1.15m/2.45m from the front and be 2.4m width; the roof ridge would be measured 3.5m and eaves 2.4m from ground level. The roof would protrude further over the doorway to provide some shelter.

To the southwest front corner, the property would have a first floor infill front extension. This would be flush with the host at side and rear and roof height. This would be windowless to the flank elevation and to replicate the existing range of windows to the first floor rear. This would have an extended bedroom to first floor.

To the northwest corner, the property would have a two-storey infill rear extension. This would be flush with the host at side and rear and roof height. This would be windowless to the flank elevation and to replicate the existing

range of windows to the first floor rear. This would be part of an open plan room at ground and have an extended bedroom to first floor.

The proposed single-storey rear extension with a flat roof would have the dimensions of:

3.7m projection from the rear x 8.7m width and a flat roof ridge height of 2.9m from ground level.

It would have a stone faced elevation with clerestory windows (1.95m to base from ground level) to its northwest, glazed to rear and southeast elevation and have two skylights to roof. This would serve to have a dining area.

A first floor extension would be built over the garage extending 6.5m from the side and flush with the host, with a side gable roof set 0.35m below the host ridge and with eaves finishing 5.5m above ground level similar to the host. It would have a gable feature window to front and two new windows to the rear first storey elevation. No new openings will be present to the side elevation. This would serve an additional bedroom with ensuite and wardrobes.

It is proposed to have a single-storey, southeast side extension flush with the front and rear elevations of the garage and projecting 3.35m from its side. It would have a lean-to roof design at front aligned with the existing garage roof and alter to a flat roof design behind with rooflights and an overall height 3m from ground level. This addition would lead to some alterations to the existing garage with the addition of one garage door and one additional door to rear. This would add one garaging space to have two garaging spaces (4.8m by 5.7m and 3m by 8m). it would have a cream render to its side elevation (southeast).

Unless otherwise mentioned, the elevations of the extensions would be in matching natural stone and tile to the host.

The existing driveway to the front is proposed to be extended and squared off. To the rear, a patio shall be no more than 0.3m from ground level.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to remove the dormer design and various plans for visual amenity and clarifications. The agent confirmed that the rear patio space would be limited to no more than 0.3m height from ground level.

Relevant Planning History

89/01581 Erection of detached house
Conditional Full Permission

Representations

We are currently undertaking 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 which expired on: 28/11/2023

No representations have been received.

Amended plans were received however they were not readvertised as they did not substantially change the description of development and did not materially impact on the scheme from that as initially advertised to the public.

Consultation Responses

No technical consultees required.

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. It is bordering a Bat Alert layer and is within a Low Coal Risk area.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP34 – Conserving and enhancing the water environment
- LP 43 – Waste management hierarchy

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05th September 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 9 – Promoting sustainable transport
- 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

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 – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 – Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

Paragraphs 5.13-5.14 of the SPD relate to the proposed porch and infill first floor front extension (page 27). Those are supported if they are small, subservient, well screened from the highway and matching in materials and design to the original host. The proposed design of the porch would protrude forward of the host however seeks to mitigate its impact by having a modestly proportioned, single-storey design viewed against the larger, two storey host building. The property’s oblique position relative to the highway and its set back of 9.7m from the highway serves to minimise its impact within large grounds sufficiently to be acceptable. The proposed infill extension would not appear to protrude further forward of the host and be of a scale so minor as to be acceptable in terms of visual amenity; it would have the effect of a flatter elevational treatment to the host undermining its original character and design but overall the design would not appear out of keeping within the varied designs of the residential development along the highway.

Paragraphs 5.1-5.6 and 5.8-5.10 of the SPD relate to the proposed single-storey rear extension and the two-storey rear infill extension (pages 23-25). The single-storey rear extension would meet all requirements of the SPD except two. It would be of a style that varies from the host with its mostly glazed sections, one stone wall and flat roof design however this would be of low impact visually to the host and have a lightweight appearance with harmonised stone to match the host which would be acceptable. The roof ridge height would be marginally higher than permitted however Officers propose that this is acceptable as it would have an adequate separation distance to the flank boundary which is adjacent to a driveway so as to avoid any overbearing impact.

The infill two storey rear extension would be within the main flank and rear elevations of the host and so would not offer any substantial protruding bulk and massing to the host. In addition, as noted previously its separation

distance and position next to a driveway would ensure no oppressive visual impact and be acceptable.

Paragraphs 5.15-5.16 and 5.21-5.22 of the SPD relate to the proposed single-storey side extension and the first floor side extension (pages 28-30). In consideration of the single-storey side extension, it would meet all requirements except the need to be set back 0.5m from the original building to allow for a visual break. This would have a simple continuation of the existing garage design with its lean-to roof feature at the front and to have a set back would create an overly fussy and contrived design so Officers propose that this be acceptable.

First floor side extensions are considered acceptable if they are visually smaller than the host, a set back of at least 0.5m from the front of the host, with a harmonised roof design and a 1m gap to flank boundaries. The proposed design would achieve all those set parameters. The gable window feature would appear marginally incongruous within the streetscene however the oblique position of the host would serve to minimise this impact in order to be acceptable.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site. The front amenity space would have some more hardsurface treatment however would still have an adequate area of soft landscaping to soften the visual impact. The patio to the rear would be no more than 0.3m from ground level and would appear as a minor alteration to the rear of no impact to the streetscene.

It is noted that the proposed design would have significant alterations to the substantial host changing its original character and design in some conflict with Key Design Principle 2 of the SPD. This is mitigated by its careful design, use of matching materials to host in order to harmonise with the host and streetscene and closely meeting the specific design guidance in the SPD; in this unique instance, those factors and its oblique position in relation to the highway and within the ribbon of varied development along the highway would have the proposal to appear acceptable within the streetscene in terms of Key Design Principle 1 of the SPD.

On balance, Officers consider the proposal to be acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan, the Key Design Principles of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD provides guidance to Officers to ensure high standards of residential amenity.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The host is set forward of neighbouring properties to the northwest with a comfortable separation distance so as to ensure no undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

No. 55 Longwood Edge

The proposal would have the infill rear extension with a bedroom window to the first storey (along with existing windows at the same storey) separated by 16m to this neighbour's side elevation. Guidance in the SPD indicates that there should be a minimum separation distance of 21m from habitable windows to habitable windows (paragraph 4.10). The neighbour is positioned to the side of the host with only ground floor windows serving a sunlounge facing this rear, there is an established boundary treatment of hedging and trees to the shared boundary which affords the ground floor some screening. Given the position of the neighbour and oblique potential views to partially screened windows, Officers consider that there would not be a substantial alteration in the existing relationship between those neighbours in terms of overlooking and privacy and therefore be acceptable. The proposed single-storey rear extension would also benefit from being screened substantially by the existing green boundary treatment and would have a stone wall with high level windows to suitably screen in order to be acceptable in terms of avoiding undue overlooking and loss of privacy. Both those extensions would be at sufficient distance so as to avoid any overbearing or overshadowing effects. The other alterations to the host would have a patio limited to no more than 0.3m in height from ground level, would be at sufficient distance or be screened by the host so as to avoid any additional impacts on residential amenity. It would not be necessary to condition the rear patio to be limited to be no more than 0.3m in height from ground level because this would be adequately controlled by Permitted Development Rights and a raised platform any higher than this would require planning permission.

No.s 14 and 34 Fortis Way

Those properties are adjacent to the east of the site. The first floor and single-storey side extension would be the closest to those properties with no windows overlooking. Whilst they would have some additional bulk and

massing closer to the shared boundaries, given the 3.1m separation distance to boundary and the orientation of those extensions, this would not appear unduly overbearing and would avoid overshadowing. The rear patio would be limited to no more than 0.3m in height so there would not be a significant alteration in overlooking or loss of privacy. The other extensions would not have any additional impacts due to their position, orientation and screening effect from the host.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces to achieve this aim. The proposal would adequately have sufficient off street parking within its existing front amenity space and garaging facilities to meet this demand. Bin arrangements have been set out to be stored appropriately; presentation points have not been set out but they are to remain as existing and would not have any additional impact to highway safety.

The proposal is likely to require changes to the access within the adopted highway fronting the property which would need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). A footnote has been attached to the permission with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution.

The proposed development would supply adequately parking and bin layout arrangements for its intensified use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, Principles 5, 11 and 12 of the Housebuilders Design Guide SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

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.

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and would have its off street parking area extended therefore subject to a condition requiring this to be adequately drained, this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Key Design Principle 12 –13 of the House Extensions and Alterations SPD in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the

applicant is advised to contact Natural England for advice on how to move forward.

The small scale of the proposal would be on an existing hardsurface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

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

Application Number: 2023/92911

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, LP 28, LP 30, LP34 and LP 43 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework

3. The materials of construction used to the external walls of the development hereby approved and the materials of construction to all pitched roofs of the development 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Prior to the hereby approved extensions being first brought into use, the extended hard surface to the front of the property shall be provided within the site outlined in red on the hereby approved 'Proposed Site Plan. Drawing no. 105A. B.' The spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD'.

FOOTNOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone 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
Existing Location and Site Plan.	Drawing no. E100.	Unamended.	13/10/2023
Existing Location and Site Plan with Parking Layout	Drawing no. 00.	Amended	06/12/2023
Proposed Site Plan.	Drawing no. 105A.	B	06/12/2023
Existing Elevation Plans.	Drawing no. 04.	Unamended.	02/10/2023
Existing Ground Floor Plan.	Drawing no. 02.	Unamended.	02/10/2023
Existing First Floor Plan.	Drawing no. 03.	Unamended	02/10/2023
Existing Ground and First Floor Plans.	Drawing no. 01.	Unamended.	02/10/2023
Proposed North & South Elevation Plans.	Drawing no. 203.	C	06/12/2023
Proposed East & West Elevation Plans.	Drawing no. 204.	C	06/12/2023
Proposed Ground Floor Plan.	Drawing no. 100.	B	02/10/2023
Proposed First Floor Plan.	Drawing no. 101.	C	06/12/2023
Climate Change Statement	-	-	13/10/2023
Email rec'd from agent	Agent confirmed height of rear patio to be limited to no more than 0.3m height from ground level.	Original	06/12/2023

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. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual amenity.

Report Dated: 06/12/2023

