

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:	2023/62/92961/W
Site Address:	48, Blacksmiths Fold, Almondbury, Huddersfield, HD5 8XH
Description:	Demolition of existing conservatory and erection of single storey extensions to rear and side (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 27-Nov-2023

Officer Report

Site Description

48, Blacksmiths Fold, Almondbury, Huddersfield, HD5 8XH

48 Blacksmiths Fold is a two-storey detached property. It is faced in stone and has a tiled roof with a garden to the front and to the rear. The property is located in a residential area where there is a strong sense of similarity within the street scene. This is because the properties located along Blacksmiths Fold share a similar style of design and construction and as such, have a similar external appearance to one another. Especially in that they are all detached and faced in the similar exterior construction materials. The site is located within the Almondbury conservation area.

Description of Proposal

Planning permission is sought for the demolition of the existing conservatory and erection of single storey extensions to rear and side as shown on the plans. The side extension will infill the small area between the kitchen and utility room it will project 1.2 meters from the rear, and it will project 2.6 meters from the side elevation to create an open plan kitchen, it would have a flat roof. The rear extension will replace the existing conservatory and will be in the same footprint, project 3 meters from the original dwelling and have a width of 3 meters and will create a garden room.

The materials proposed will match the host dwelling; natural stone walls, blue slate roof and white PVCu windows and doors. The rear extension will include bifolding doors to the northwest facing side elevation, windows in the other elevations and will have 2 Velux roof lights. The side extension's roof will be flat and the rear extension will include a dual pitched roof. The height to the eaves of the rear extension would be 2.3 meters with the highest point being 3.3 meters. The height to the eaves of the side extension would be ~2.7 metres from the lowest ground level and ~1.9 meters to the eaves taken from the highest ground level adjacent with the garden room's level.

History of negotiations/amendments received

No amendments were considered necessary in this case.

Relevant Planning History

No relevant planning history on the site

However, the neighbouring property had similar plans approved in 2017:

2017/91333 - Erection of single storey rear extension and canopy to front (within a Conservation Area) - FC – Conditional full permission

Representations:

Neighbour Letters – Expired 17th November 2023.

No representations have been received. The application was publicised with neighbour notification letters only as the development was assessed as having no impact on the character or appearance of the Almondbury Conservation Area.

Parish/Town Council comments

None.

Consultation Responses

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 application site is designated conservation area in the Kirklees Local Plan and also falls within an area with a known presence of bats.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping

- **LP21** – Highway Safety
- **LP22** – Parking provision
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP 35** - Historic Environment
- **LP51** – Local air quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 14** – Meeting the challenge of climate change, coastal change and flooding
- **Chapter 16** – Conserving and enhancing the historic environment

Other material considerations

- Highway Design Guide (November 2019)
- House Extensions and Alterations SPD (June 2010)

Legislation

The Town & Country Planning Act 1990 (as amended).
 The Conservation of Habitats and Species Regulations 2017
 The Planning and Compulsory Purchase Act 2004

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 1) Impact on conservation area
- 3) Impact on visual amenity
- 4) Impact on residential amenity
- 5) Impact on highway safety
- 6) Other matters
- 7) Representations
- 8) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF. Policy LP24 of the KLP is the overarching policy in relation to the design, requiring proposals to respect the appearance and character of existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety, and to promote sustainability.

The application is for an extension to a residential property within a settlement boundary, where the principle of development such as this is acceptable, subject to the satisfactory assessment of material considerations. These considerations, along with others, are addressed in the following sections in this report.

2- Impact on Conservation Area:

In this instance, the property is also located within the Almondbury Conservation Area, which is an area of mixed and open character in the north of Almondbury village, to southeast of Huddersfield town centre. The area where the dwelling is located contains newly build detached houses surrounded by green space, schools and playing fields. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

Built around 1994, the dwelling itself is a modern addition to the Conservation Area. The design would be in keeping with the modern stylings of the dwelling and given the limited scale of the extensions proposed together with the size of the curtilage, the proposals would have a neutral impact on the Conservation Area resulting in no impact on its character or appearance. The scheme is therefore considered to comply with policy LP35 of the KLP and advice within chapter 16 of the NPPF, taking into account the LPA's duty

under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 –Impact on visual amenity:

The proposed is located on a residential street with properties of similar ages and styles. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that 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. Furthermore, Key Design Principle 2 of the HESPD goes onto state that 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.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Single storey side extension

Paragraphs 5.15 & 5.16 are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. The side extension, which will also project from the rear wall, would have a modest size (only ~1.2m x 2.5m) and would form a subservient addition to the property.

The materials proposed would adequately match the main house and the detailing would be considered to be appropriate. The side extension is considered to comply with policy LP24, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.

Single storey rear extension

Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

In this case, the proposed single storey rear extension would project 3m from the existing rear elevation and would be 3m in width in place where the existing conservatory lies. The extension would have a dual pitched roof surfaced with blue slate roof tiles with eaves that would be 2.3m above ground level and a roof ridge 3.3m above ground level. The scale of the proposed extension is considered to be acceptably proportionate to the original dwelling.

Therefore, it is considered that a subservient relationship would be formed with the host property. It is also considered to maintain the quality of the residential environment for example, No. 46 is next door to the site and has had a similar extension to the one proposed at No. 48. In 2017 they were granted permission for the removal of their conservatory for a rear extension larger than proposed at No.48 (4m x 3.5m). Therefore, this extension would not be out of place in the street scene. The materials proposed would match the main house with the use of natural stone for the walls and blue slate for the roof covering, where a pitched roof is proposed. The rear extension is considered to comply with policy LP24 of the KLP, justifiable with respect to KDP1 & KDP2 of the House Extension SPD and advice from chapter 12 of the NPPF.

Summary

Having taken the above into account, the proposed extensions would not cause any significant 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, justifiable with regards to KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

4 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*” Key design principles 3-7 of the SPD seek to ensure retaining a good standard of amenity for existing occupiers of land and buildings and future occupiers.

The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on no. 50 Blacksmiths Fold to the north

No. 50 is a two-storey detached property to the north of the application site. The property is on the same level as the application site and has a large, raised decking area to the rear. There is a screen fence between the two properties of ~1.8 meters in height. The smaller side extension will face the outer solid wall of No.50 which has no windows in this elevation. Considering this and taking into account that this extension only projects 1.2 meters this

extension to the side and only contains a door to the kitchen it would not cause any harm to the neighbouring property

The rear extension would be replacing an existing structure. As this original structure is a conservatory the proposed development would slightly increase privacy as it will include less windows therefore less opportunity for overlooking. This extension will also be a significant distance away from No.50's boundary (4.5m) considering this, and the small scale of the extension at single storey, it is considered that this would not be overbearing on the occupiers of this neighbouring dwelling.

As such, the proposed extension would have no significant impact upon the amenities of the occupiers of the adjoining dwelling.

Impact on no. 46 Blacksmiths Fold to the south

No. 46 is a two-storey detached property to the south of the application site and has also had a conservatory removed and replaced it with a rear extension. In this case, the extension is single storey and would result in limited bulk and massing close to the boundary. The extension is also set off the boundary, it will retain the same separation distance as existing, which is 1.7 meters between the proposed extension and the nearest part of the neighbouring property. The application site dwelling is set back several metres in relation to no. 46. Considering this, the projection beyond no. 46 would be minimal – it will remain as existing due to the projection of proposed extension being the same as that of the existing conservatory. Therefore, there would be no harmful overbearing impact, although recognising that the mass of the extension – with stone walls and a gabled roof – will appear greater than the glazed conservatory.

In terms of overlooking/loss of privacy, there are 3 windows proposed in the side (south facing) elevation of this extension and therefore consideration has been given as to whether this would overlook No.46. In this case, the original windows in the conservatory covered the width of the elevation and were over half the height of the elevation in the proposed development these windows would be high level and prevent overlooking. Furthermore, there is a large wooden fence about 6ft high between the sites and given that the main habitable room opening is in the rear, any further openings in the side would likely to be secondary. It is not necessary to remove PD rights for windows.

Even though a more bulky extension is proposed in place of a conservatory, it would not harm residential amenity over and above the existing situation to warrant refusal of the application.

Impact on no. 26 Almondbury close to the east (rear)

Due to both of the dwellings curtilages the extension would be over 25 meters away from no. 26 meaning there would be no impact on residential amenity to this property.

There are no other dwellings proximate to the site that would be materially affected by the proposed development

Therefore, there is considered to be no unduly unacceptable loss of amenity on any neighbouring property as a result of the proposed extension.

As such, the proposal would comply with policy LP24b in terms of residential amenity and relevant key design principles of the SPD.

5– Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within 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 Key Design Principle 15 of the Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, existing parking arrangements are considered to be acceptable. Additionally, the proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

6– Other matters:

Climate Change –

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 pre-dates 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. Key Design Principles 8-11 of the SPD set out criteria to be taken into account in the assessment of the application and the submission is supported by a Climate Change Statement (CCS).

The CCS sets out that:

Glazing has been introduced to the roof aspect to allow natural light into the property reducing the need for artificial lighting during daylight hours thus reducing energy consumption, • Smart energy metering and visual displays showing energy consumption will be installed.

- All lighting internally and externally will be LED to minimise energy consumption.

- Building services controls including the use of thermostatic valves and temperature

regulated thermostats will be incorporated preventing unnecessary energy consumption.

- External hanging space is achievable

- Materials to be locally sourced.

These matters are considered to be a suitable response to climate change for a scheme of this scale.

Ecology-

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest replacing a fully glazed conservatory that would not have provided suitable roosting for bats. Nonetheless, 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.

7 – Representations:

No representations have been received.

8 – Conclusion:

This application for a rear and side extension at No.48 Blacksmiths Fold has been assessed against relevant policies in the development plan, the SPD as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered 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.

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 Powers

Application Number: 2023/92961

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.

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 Policies LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

2. The external walls and roofing materials to the pitched roof of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during

the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: 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
Application form	-	-	11/10/2023
Location plan	208-23-PL02 A	-	11/10/2023
Existing and proposed plans and elevations	208-23-PL01 B	-	11/10/2023
Conservation/Heritage assessment	208-23-R1	-	11/10/2023

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 Authority has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought, as the proposal is acceptable in its current form.

Report Dated: 24/11/2023