

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:	2023/62/93202/E
Site Address:	21, Carr Hill Road, Upper Cumberworth, Huddersfield, HD8 8NW
Description:	Erection of 2 storey side and rear extension and solar panels to roof
Recommending Officer:	Edward Cheseldine

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.

Emma Thompson

AUTHORISED OFFICER

Date: 21-Feb-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93202
Location	21, Carr Hill Road, Upper Cumberworth, Huddersfield, HD8 8NW
Proposal	Erection of 2 storey side and rear extension and solar panels to roof
Publicity end date	18-Dec-2023
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	21/02/2024
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) December 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	No	There were initial concerns that the flat roof section of the dwellinghouse is not an original projection for the purposes of assessing whether the development (cumulatively) would appear subservient.

		The planning agent provided photographic evidence that the flat roof section of the dwelling existed in the 1970s, along with an OS map showing the side extension is a probable conversion from an existing outbuilding attached to the dwelling. Historic mapping also indicates a structure to the side that is pre 1948 and therefore considered as 'original' in planning terms. There have been other cosmetic alterations within the planning process such as a change to the roof style and windows.
Parish/Town Council comments sought	Denby Dale Parish Council	No objection.
Planning History	None	
Consultations required	None	

Assessment

The Kirklees SPD sets out that two storey rear extensions should comply with certain parameters set out at paragraph 5.8 on page 25 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be proportionate to the size of the original house and garden;	Yes – The extension constitutes a side extension that projects 2.00m and a rear extension that projects 1.80m from the footprint of the original dwellinghouse. Considering the footprint of the original dwellinghouse, this is a modest projection. At the most minimal point,	

	there would still be a ~2.40m space left to the side of the property, the outdoor space extends to the rear and front of the property leaving a generous curtilage.	
Not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Yes.	
Not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;	Yes – not only will the rear extension have a modest projection, it will remove an existing conservatory.	
Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;	N/A	
Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;		No, the rear extension borders the garden boundary with No. 29a. The boundary of No. 29a wraps around the application dwelling, the projection of the rear extension is modest and will not result in a loss of a perception of space or character.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraph 5.20 & 5.22 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Not take up all or most of the space to the side of a house	Yes – at the closest point a ~2.40m will be retained, with the space opening out as	

	the extension is set at an acute angle to the garden boundary.	
Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	Yes - at the closest point a ~2.40m will be retained, with the space opening out towards as the extension is set at an acute angle to the garden boundary.	
Be set back at least 500mm from the front wall of the house and for the lowering of the ridgeline from the original house.		No – the extension is not set back, however it follows the form of the original terrace row, there are front extensions on some of the adjacent properties, therefore the modest extension will not appear bulky or detract from the character of the terrace row further. A high proportion of the roof is an extension of the original projection, the additional projection will not result in an addition that will appear disproportionate.

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: 21 Carr Hill Road is an end-terrace property in Upper Cumberworth. The exterior walls are constructed with stone which fall under a pitched roof clad in stone roof slates. There is an existing flat roof side extension on the property, from historic OS maps it can be seen that there was an existing building in its place. Carr Hill Road has a rural, residential character due to its location and residential properties in the local vicinity. Residential buildings are traditional in style and materials.

Consideration has been given 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	The application site is located away from Carr Hill Road, up an intersecting side road. There are newer builds adjacent to the plot which are modern, traditional style dwellings, which relate to the style of the terrace row. The extension is formed to the rear and side of the property, although there is no fixed pattern to dwellings in the area, which makes the rear and side extension highly visible from The Croft. Notwithstanding the visibility, the extension follows the form of the dwelling with a modest rearward projection, that does not look out of character with the residential properties in the vicinity given its scale and the proposed materials.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The rear extension projects ~1.80m from the original elevation, there is a further ~2.00m projection from the existing side extension. There will be a departure from the rectangular form of the original house due to the rearward projection, however this is modest.	✓

		The extension will represent a 21% increase in side projection from the original dwelling which is an acceptable increase in size and scale according with the House Extensions & Alterations Supplementary Planning Document paragraph 5.17. Whilst the first-floor element of the side extension is thought to be a later addition, given its change in footprint seen by using map regression, the proposal will add a characterful pitched roof on to the existing flat roof section.	
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	The additional massing is modest given the projections.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing and materials are in keeping with the existing dwelling.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The pitched roof extension follows the existing style of roof on the dwelling and terrace row.	✓
Window proportions	• KDP 1 and 2 of the SPD	Window proportions that are in keeping with the	✓

	• Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	existing dwelling and neighbouring dwellings. There will be a change to windows at the rear of the property which will match the additional windows on the rear and side of the extension.	
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	This proposal is compliant with Kirklees accessibility policies.	✓

The proposal includes the removal of a garage which will provide adequate outdoor space and side space for the extension.

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: Are the considerations in the following table acceptable?

The main properties affected are: 2 The Croft

	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	There will be two side windows facing 2 The Croft which is situated ~12.00m away from the application dwelling. These windows will be obscurely glazed, which will be conditioned. It will mitigate any impact 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)	2 The Croft is located ~12.00m away from the extension which therefore there will not be an impact to light. In terms	✓

	Chapter 12 of the NPPF	of outlook, there were concerns the extension would encroach within a ~12.00m distance of 2 the Croft, which considering the principal elevation faces onto the application dwelling could have an overbearing impact. The planning agent provided a detailed scaled radius showing the requirements of a distance of separation, 12m between a habitable window and the side elevation, accords with paragraph 4.10 of the House Extension & Alterations Supplementary Planning Document.	
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The main properties affected are: 23 Carr Hill Road

	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	There will be no side windows that face 23 Carr Hill Road.	✓
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	There is a separation distance of ~5.80m between the proposed rearward protrusion and the adjoining property. Although the extension is two storey, it has a modest projection. Considering the above, there would not be a loss	✓

		of outlook or a material loss of natural light.	
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The main properties affected are: 29a Carr Hill Road

	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	There is a proposed window on the rear elevation of the original dwellinghouse which is slim line and has a maximum height outlook of ~1.40m. It will overlook the private outdoor amenity space of No. 29a. Although this is considered to have an impact, the garden space is currently overlooked at a first-floor level, additionally, there is a current boundary treatment consisting of a stone wall and tall, thick shrubbery. Considering the new outlook, the relationship will not alter as it is currently already overlooked, and is the rear section of the garden space.	✓
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	There will be no impact to light or outlook due to distance.	✓

Due to distance, there are no other properties to consider.

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: 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	No impact.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	There will be an increase in amenity space however it will not result in additional bedrooms to the dwelling which will remain at 3. Therefore, there will be no impact to current parking provisions.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Side access will remain for bin storage.	✓

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

Other matters: Are the following acceptable?

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

Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	No impact.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	No impact.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
N/A		

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:

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.

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.

4. The development shall not be occupied until the east elevation first floor windows marked ensuite & bathroom shown on drawing 223/PP/02/R02-III hereby approved have been obscurely glazed (to a minimum Grade 4). 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) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans - Existing	01-R01	1	31/10/2023
Grouped plans – Proposed	02-R05	3	14/02/2024
Existing site / block layout	03-R01	1	31/10/2023
Proposed site / block layout	04-R01	1	31/10/2023
Location plan	06-R01	1	06/11/2023
Proposed site / Block plan	06-R02	1	06/11/2023

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. Further information was requested and provided to come to a satisfactory conclusion for the planning application.