

**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:	2023/62/93209/W
Site Address:	173, Moor Lane, Netherton, Huddersfield, HD4 7JN
Description:	Erection of two storey rear extension and associated alterations
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: 09-Feb-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93209
Location	173, Moor Lane, Netherton, Huddersfield, HD4 7JN
Proposal	Erection of two storey rear extension and associated alterations
Publicity end date	12 th December 2023
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	Unallocated although within Strategic Green Infrastructure Network
Extension to Time (EoT)	Yes, EoT Date: 15/02/2024
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	✓	

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 and beautiful 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 & Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The agent was contacted over concerns with the size of the window in the rear elevation with regards to the overlooking it may cause to Bourn View Road. The agent responded with amended plans which showed an obscured glazed balustrade on this window which would be 1.1m in height. Whether this has overcome the concerns will be discussed later on in the report
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

The application seeks permission for a two storey rear extension.

The existing kitchen/dining area would be demolished to facilitate the erection of the proposed two-storey rear extension.

The two-storey rear extension would have the following dimensions:

- Projection – 4.9 metres
- Width – 5.5 metres
- Maximum height – 6 metres

The two-storey rear extension would be faced in red brick with white cladding panels and would adjoin to the original gable pitched roof. The roof would be made from concrete interlocking tiles to match existing. There will also be additional glazing to the side elevations and the rear elevation.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1,

5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – reasonable sized rear garden area will remain.	
Be set behind the original building, and not projecting beyond the sides	Yes – will lie flush with the side elevations.	
Maintain external access to the rear garden	Yes – access to the rear garden by the side of the house will remain.	
Respect the original house and garden in terms of its size and scale	Yes - the extension will harmonise with the original house.	
Use appropriate materials which match or are similar in appearance to the original house	Yes – red brick, white cladding and concrete roof tiles to match the existing house.	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Yes – the extension will, finely balanced, be subservient to the original house (taken account of the outrigger to be demolished) and will lie flush with the side elevations and roof level. Adequate garden space will remain to the front and rear.	
not normally exceed 50% of the total area of land around the original	Yes – it will not exceed 50% of the land around the original house.	

house (including previous extensions and outbuildings)		
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties		No - the extension will project 4.9m. However, due to a section of the original house already being this length, although single storey, by building up and out the extension will visually harmonise with the rest of the house.
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		No – the extension is within 1.5 meters of the property boundary and the eaves height is 3.2m. However, due to the eaves matching the height of the original dwellinghouse an increase of 0.2m is considered acceptable.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		No – the extension will be within 1.5m of the boundary. However, the adjacent property is set on a higher ground level and is gable on to the extension and hosts a driveway between the properties resulting in a limited impact.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	Yes – the extension appears to face non-habitable rooms at the neighbouring property (bathroom, landing and hall). In addition it is considered that the new development would not cause any more significant harm than the existing house facing these windows.	

Design and Visual Amenity:

173 Moor Lane is a two-storey chalet style detached property located in Netherton, Huddersfield. The external walls of the property are faced in red brick with white cladding panels. The site is located on a corner plot with the front elevation on Moor Lane and the side (east) elevation facing Bourn View Road. The property benefits from a driveway and detached garage located behind the rear garden. The property is located within the Green Infrastructure Network and also in an area with a known presence of bats.

Within the street scene, the properties vary in style and age with surrounding properties being constructed from varying materials

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	Limited – the proposal would be on a significantly lower ground level than other properties on Moor Lane and would use materials to fit in with the original house limiting the impact on the street scene. It would harmonise with the style and appearance of other development in the area.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Limited, the extension would follow the design theme of the original dwelling.	✓
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	On balance, subservient in size/scale, set in line with the height of the host property and laying flush with the side elevations.	✓

Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match – red facing brick, white cladding panels and concrete interlocking tiles.	✓
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 gable roof design would follow on from the original roof causing limited visual harm.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The west facing elevation will include one extra window to match the existing one present on this elevation. The east facing elevation will also have an additional window to match the existing one present on this elevation and a roof light located on the roof slope. The north elevation will have patio doors windows and a smaller window located on the ground floor and a large three panel window on the first floor however this will have an obscured glazed balustrade/panel 1.1m in height. These will be framed in matching UPVC. The feature first floor window is not a common feature in the area but, with the obscure panel, is considered acceptable on balance.	✓
Accessibility for all users	• KDP 17 of the SPD	Private domestic extension – no alterations to general access arrangements.	✓

	• Policy LP24 Design (f) • Chapter 12 of the NPPF		
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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:

- 171 Moor Lane – property to the west
- 182 Bourn View Road – property to the north west
- 209 Bourn View Road – property to the north east.

	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	Due to the addition of the obscured glazed balustrade the perceived impact on No.182 would be significantly limited and there is no direct line of sight into habitable windows or rear garden area. With regard to No.171, limited openings and facing onto non habitable rooms mean there won't be significant harm caused to this property in relation to privacy. Distance to no. 209 not reduced.	✓
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	Due to the orientation of the properties No.171 may experience some shadowing in the early hours in summer months however this is not considered reason for refusal. The side facing panels in the conservatory to the rear	✓

		are already affected by a detached garage and boundary treatment. Outlook from non-habitable side facing openings would be affected, already partly affected by existing dwelling. As non-habitable, impact not considered undue. No. 182 is at a distance and orientation (13m) that light and outlook will not be significantly affected. In addition, the applicants garage already partly impacts the outlook to this property therefore the development is not considered to create any further significant impact. No. 209 off set to extension and no material impact would occur.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space.	✓

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	N/A	✓

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF		
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No additional bedrooms are proposed therefore will have no impact on parking provision.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

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

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in 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	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Policy LP31 • Chapter 15 of the NPPF	Within Bat Alert layer on mapping system. Advisory note to be added to decision notice should bats be found during construction. Strategic Green Infrastructure	✓

		Network - proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.	
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
None		N/A

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2023/93209

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, 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, 9 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site and location plan	23_814 102	-	31/10/2023
Proposed floor plans and elevations	23_814 101	A	05/02/2024
Application form		-	31/10/2023
Existing floor plans and elevations	23_814 100	-	31/10/2023
Proposed Site Layout Plan	23_814 103		31/10/2023
Climate change statement	--	-	31/10/2023

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 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. Amended plans were sought during the course of this application and this decision is based on the amendments received.

Report Dated:

08/02/2024