

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:	2023/62/93248/W
Site Address:	24, Marten Grove, Netherton, Huddersfield, HD4 7JU
Description:	Erection of single storey rear extension and garage conversion
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: 23-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93248
Location	24, Marten Grove, Netherton, Huddersfield, HD4 7JU
Proposal	Erection of single storey rear extension and garage conversion
Publicity end date	28 th December 2023
Number of representations received	One representation was received
Kirklees Local Plan Allocation/Designation	The site is in an area with a known presence of bats and is also within the Green Infrastructure Network
Extension to Time (EoT)	Yes EoT Date: 30/01/2024
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
- 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 and geodiversity
- **LP 33** - Trees
- **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	
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

Description of development:

The application seeks permission for the erection of a single storey rear extension and garage conversion.

The extension would have a maximum height of 3.2m with a flat roof design with parapet walls. It would project 4.4m from the playroom and 2.5m from the kitchen with an overall width of 8.9m. This would create an open plan kitchen and dining area in addition to a utility room and bathroom. These are maximum dimensions as the structure would be 'L' shaped to infill the area to the rear of the garage and extend across the width of the dwelling. The garage would be converted to a playroom. The garage door would be removed and replaced with a window.

The external walls of the extension would be rendered with brick heads and coping to match existing.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
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Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes- the large majority of garden area to the rear would be retained.	
Be set behind the original building, and not projecting beyond the sides	Yes- the extension would lie within the parameters of the existing side elevations of the original property, including the garage.	
Maintain external access to the rear garden	Yes- access to the rear garden by the side of the property would be retained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes- as it is single storey in height it is subservient. The dwelling is of a modern design with existing additions. In this context the extension would not appear out of place.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes- does not cover more than half of the total area around the original house.	
not exceed 4 metres in height	Yes- does not exceed 4 meters in height	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties		No- the projection from the playroom rear wall is 4.4m, however this is justified as less than half of the proposed extension will project more than 4 meters from the rear wall. Due to the property being detached and in a substantial curtilage the

		additional 0.4m is not considered grounds for refusal.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No- the eaves would be 3.3m due to the flat roof design. This design helps to reduce the overall mass of the extension.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – a gap of at least 1 meter would be retained.	

Design and Visual Amenity:

The application site relates to 24 Marten Grove, a two storey detached dwelling in the area of Netherton. The property is constructed from buff brick and render elements. The dwelling benefits from a driveway to the front and a large garden amenity space to the rear. It is located within a residential area with other properties of a similar age and style.

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 views from public vantage points as located to the rear and a 1.8 meter hedge surrounding the property to the rear and east. The design of the extension is acceptably in keeping with the host property. Therefore, the extension is a distance / design such that it is concluded to have an acceptable impact upon the street scene.	✓
Impact on original house	• KDP2 of the SPD	Subservient due to being single storey and	✓

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	constructed from matching materials. It is to the rear and would simply add to previous organic forms to the 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	Single storey and width of 8.9m which is the width of the original property - appears proportionate when viewed from side elevations and the height does not affect first floor windows.	✓
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 - the external walls of the extension would be brick and render to match existing. The render would harmonise with existing element on the front elevation.	✓
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 roof would be of a flat roof design with a parapet wall.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	There would be large bi-folding doors and an additional window of the north elevation facing into the rear garden. A small high level window is proposed in the east (side) elevation. A frosted glazed full length window in the west elevation and a new window in the south elevation where the garage has been walled up in place of the garage door.	✓
Accessibility for all users	• KDP 17 of the SPD	Private domestic extension- no alterations to general access.	✓

	• 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:

22 Marten Grove- adjacent neighbour to the east- a two storey detached dwelling set on the same ground level, but it set on a building line further south.

49 Marten Grove- adjacent neighbour to the west- a two storey detached dwelling set on a significantly higher ground level than the applicant property.

46-48 Marten Drive- adjacent neighbours to the north (rear)- chalet bungalow semidetached dwellings set on a similar ground level to the applicant property. Around 21m between the rear corner of the extension and the conservatory to the rear of no. 46.

44-42 Marten Drive- adjacent neighbour to the north (rear)- two storey semidetached dwellings on a slightly higher ground level than the applicant property. No. 44 hosts a detached garage and a detached shed in the rear garden partly obscuring the view to the applicant property. There would be around 16m between the rear of the extension and the rear elevation of no. 44.

There are no properties within close proximity to the site which would be materially affected by the proposal.

	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 one proposed opening in the original east elevation however due to the orientation of the houses, No.22 is set on a building line further forward meaning there	✓

		will be limited impact on privacy and the window is high level. The west elevation will host a door and a full length window. This window will have frosted glazing so will limit impact of privacy to No.49. In regard to the properties to the rear, the north elevation will host large bifolding doors and a single window. Although these will face No.44 and 46 Marten Drive the extension will still be at a significant distance away (~7 meters) from the boundary line. In addition, the existence of a large (~1.8 meter) hedge and the existing detached garages at these properties already provide screening between the properties.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited impact due to being single story in height and the presence of the existing boundary fences/hedges and the separation of the structure to property boundaries. Due to the orientation of the dwellings there would be no impact on sunlight to No.22 Marten Grove and outlook would not be significantly affected. In addition, due to No.49 being on a higher ground level the extension would not impact sunlight or outlook to this property.	✓
Remaining garden space of application property	• KDP 7 of the SPD	Acceptable level of remaining garden space.	✓

	• Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF		
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The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Property hosts a driveway – no additional bedrooms proposed so parking unaffected. Although the proposal would remove a garage area this current garage is not suitable for a modern sized car therefore would have no additional negative 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	There is mature hedging on the northern boundary of the site. The extension would not impact on this hedging.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • 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	✓
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
General comment enquiring how far out from the back of the house (24 Marten Grove) the extension goes and how far from the boundary of property to the north will be.	The impact of the development to neighbours' amenity, including separation distances, has been assessed in the residential amenity section of this report.	✓

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: 2023/93248

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, Key Design 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 walling 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, Key Design Principles 1, 9 and 2 of 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
Application form	-	-	07/11/2023
Proposed grouped plans and elevations	2384-0301-P01	-	07/11/2023
Existing grouped plans and elevations	2384-0101-P01	-	07/11/2023
Climate Change Statement	-	-	07/11/2023

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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 22/01/2024

