

**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:	2023/62/93293/W
Site Address:	8, Cockley Meadows, Kirkheaton, Huddersfield, HD5 0LA
Description:	Demolition of existing conservatory and erection of single storey rear and side extensions and formation of undercroft garage with associated engineering works to form access from Cockley Meadows
Recommending Officer:	Laura Yeadon

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: 08-Feb-2024

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93293>

Site Description

8 Cockley Meadows is a detached front gabled bungalow located within an area without notation on the Kirklees Local Plan. The property is constructed from brick and with a concrete tiled roof. There is a lawned garden to the front of the property with a driveway to the side with a larger, elongated garden to the rear which is set up from the floor level of the property due to the sloping nature of the land. The rear section of the garden area is located within the defined Green Belt. To the rear of the property is a conservatory.

The property is located within a residential cul-de-sac with the properties being similar in design and constructed from similar materials.

Description of Proposal

The application is for the demolition of the existing conservatory and the erection of single storey rear and side extensions. It is also proposed that an undercroft garage would be formed with associated engineering works which would form access from Cockley Meadows.

Demolition of conservatory

The existing conservatory is located on the rear elevation of the property. The dimensions are as follows:

- 3 metres in projection
- 6 metres in width
- 2.4 metres in height to eaves; 3.7 metres in overall height

Erection of single storey rear extension

- 4 metres in projection to rear
- 6.7 metres in width
- 2.4 metres in height to eaves; 4.3 metres in overall height

The proposed extension would be constructed from brick for the walls, concrete tiles for the roof and uPVC for the openings.

Erection of single storey side extension

- 2.5 metres stepped out to 2.9 metres projection to side

- 6.6 metres in depth
- 3.2 metres to 3.7 metres in height to the top of the flat roof

The proposed extension would be constructed from brick for the walls with a single ply membrane for the roof and uPVC for the doors.

Undercroft garage

It is proposed that engineering works would take place to excavate the front garden of the property to allow garage provision to be created under the existing ground floor accommodation. The garage space would create a parking space of 3 metres in width and 6 metres in depth. A driveway would be formed to the front of the garage to allow access from Cockley Meadows.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

However, additional plans have been requested to demonstrate visibility splays from the proposed driveway in terms of highway safety. The updated plan was submitted on 22nd January 2024 under plan number 105, revision C.

Relevant Planning History

1999/92068 Erection of conservatory
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 28th December 2023 – no representations received

Kirkburton Parish Council – Concerned that new development may be exceeding the original footprints

The updated plan sought clarity that adequate sight lines could be achieved and therefore it was not considered necessary to re-advertise the proposal.

Consultation Responses

Health and Safety Executive – does not advise, on safety grounds, against the granting of planning permission in this case

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

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
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- 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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

Single storey side extensions

Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and

- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed works are comprised of three main elements which are a single storey side extension, single storey rear extension and the undercroft garage with associated engineering works. It is proposed that the existing rear conservatory would be demolished to facilitate the development.

With regards to the proposed works and the impact of the proposal on visual amenity, the proposed rear elevation would sit behind the host dwelling and would therefore have little impact on the street scene due to its location. The extension would be in keeping with the size and scale of the host property with a 4 metre projection and would slightly exceed the 4 metre height guidance within the SPD. However the additional 0.3 metres is not considered to be visually intrusive due to having an eaves height and overall height which would be lower than those on the existing building. The proposed construction materials would match the host property and it is therefore considered that in terms of visual amenity, this element of the scheme is considered acceptable in terms of visual amenity.

The proposed single storey side extension would be set back from the front elevation of the property by more than 0.5 metres being set back by approximately 7.2 metres, it would not exceed 4 metres in height and would not extend more than two-thirds of the width of the original house. The walls of the extension would also match the host property and therefore, this element of the scheme would also comply with the requirements of the SPD.

The proposed engineering works to excavate the front garden to create garage provision within the undercroft of the building are also considered to be acceptable. Whilst the soft landscaped garden to the front of the dwelling would be lost, there is no distinct uniformity to the front of the dwellings in terms of front gardens. The properties within the street scene are comprised with driveways off Cockley Meadows with varying treatments to the front amenity space which includes both soft and hard landscaping and therefore, the works would comply with Key Design Principle 1 of the SPD. In terms of the proposed garage provision, it is proposed that a garage door would be located within the undercroft of the building. As other properties within the street scene have

similar features, it is not considered that this element would be visually intrusive either.

The extensions and engineering works are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In this case the rear extension would be set in from the shared boundary with No. 10 by 1.4 metres therefore retaining a gap between the boundaries. This property (No. 10) is set back and in a slightly elevated position from the application site and therefore the projection of the rear extension would not extend beyond the rear elevation of this neighbouring property, as shown on drawing number 105 – Rev: C. There are no proposed openings facing this property and therefore minimal concerns regarding overlooking. In terms of overshadowing and/or being overbearing, given that the properties are detached with the proposed structure being single storey in height, it is not anticipated that there would be undue harm to this neighbouring property.

In terms of the impact on No. 6 Cockley Meadows, this is also a detached property which is sited on similar building lines to the application site. The single storey rear extension would be set in from the shared boundary with this property by approximately 4 metres would be to the north of this property, therefore, there are minimal concerns in terms of overshadowing and/or being overbearing. A window is located within the side elevation of the rear extension which would face this property. Given that the extension would replace a glazed conservatory which hosts clear glass within the side elevation and the existing screening, it is not considered that the works would have a significant impact in terms of overlooking from this extension over and above the existing conservatory.

In terms of the single storey side extension this would replace a former garage which, at the time of the site visit, had been demolished. There are openings within the side elevation of No. 6 with the most westerly window being obscurely glazed. Due to the set back of the proposed extension it is unlikely that the other windows would be wholly blocked by the extension. There are no windows proposed within the side extension that would result in overlooking at close quarters. In addition, there is a realistic fall back position in this case as the

property benefits from full permitted development rights and therefore some form of similar side extension could be constructed without the requirement of planning permission as could side facing windows.

There are no properties within close proximity of the rear of the property which would be impacted on by the proposals.

In terms of the impact from the works to the front of the building, the works would involve the excavation of the land within the front garden and the insertion of the garage door. In terms of the works to excavate the land, it is not considered that this would be significantly harmful to the amenities of the facing properties. The proposed garage door would form the opening to a non-habitable space and therefore there would be no reduction in the established separation distances between the properties. The use of the garage would bring more activity to the front of the property, but below the floor level of adjacent properties. Movement of vehicles into and out of the space would not be materially different to the existing use of the driveway.

Therefore, it is considered that the proposed extensions and works to the front of the property are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking or other material loss of amenity and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case, concerns were raised with the Agent in relation to the retention of retaining walls and the impact on pedestrian safety due to the potential lack of visibility when exiting the garage. In response, the Agent has updated the proposed site plan to demonstrate that visibility splays of 2.4m x 70m can be achieved.

The proposed garage space has adequate dimensions in terms of the current guidance of internal garage space and the existing driveway would be retained which can accommodate a further vehicle to serve the two bedroom dwelling. In terms of the finish of the ground where the garage would be accessed, this would need to be finished with a porous surface to prevent surface water drainage issues and this can be secured via an appropriate condition.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of highway safety and parking provision that the proposal would comply with the requirements of Key Design Principles 15 and 16 of the SPD, Policies LP21 and LP22 of the Kirklees Local Plan and advice within 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.

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 predates 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.

The application has been submitted with a Climate Change Statement which identifies mitigation measures for the proposed works. These are considered acceptable in terms of the works proposed.

Coal legacy/Contamination – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval.

The HSE do not advise against the granting of planning permission.

As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

Kirkburton Parish Council raised concerns regarding the scale of the extensions exceeding the original footprint of the dwelling. The mass and scale of the extensions have been assessed in the report above.

The impact on the 'footings' of the dwelling – the structural works to introduce an undercroft garage – would require a separate application for Building Regulations approval.

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 Powers

Application Number: 2023/93293

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 of the Council's adopted Supplementary Planning Document on House

Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the rear extension and the walls of the side 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Furthermore the visibility splays formed as indicated on drawing no. 23_821 105 – Rev: C. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 use specified on the submitted/listed plans for the lifetime of the development.

Reason: To ensure adequate space within the site for vehicle parking, adequate visibility for vehicles to enter and leave the site and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policies LP21, LP22, LP24 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: With reference to condition (4) above, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing floor plans	23_821 100		6 th November 2023

Plan Type	Reference	Version	Date Received
Existing elevations	23_821 101		6 th November 2023
Proposed floor plans	23_821 102		6 th November 2023
Proposed elevations	23_821 103 – Rev: A		17 th November 2023
Location plan and existing site plan	23_821 104		6 th November 2023
Proposed location plan and site plan	23_821 105 – Rev: C		22 nd January 2024
Climate Change Statement	Appendix A		8 th November 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.

Additional plans were requested to demonstrate visibility splays from the proposed driveway in terms of highway safety. The updated plan was submitted on 22nd January 2024 under plan number 105, revision C and was considered as part of the assessment.

Report Dated: 7th February 2024

Coal – low