

**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:	2023/62/93481/W
Site Address:	30, Meadow Park, Kirkheaton, Huddersfield, HD5 0HX
Description:	Erection of two storey and single storey side extension and replacement of raised deck to rear
Recommending Officer:	Tom Hunt

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: 19-Feb-2024

Officer Report

Site Description

2023/93481 – 30, Meadow Park, Kirkheaton, Huddersfield, HD5 0HX

The application site relates to a two-storey semi-detached dwellinghouse. It is constructed with brown brick and has a concrete side gable roof. There is a hard surfaced front and side amenity space serving as driveway areas and a rear garden.

It is situated in a residential estate of a similar design and materials on a steeply sloping hill side with land falling from northeast to southwest. As such, the host's ground floor is elevated above the highway with external steps. Properties in the area have largely extended to the rear and occasionally to the side.

Description of Proposal

Erection of two storey and single storey side extension and replacement of raised deck to rear.

All figures are approximate and in metres.

It is proposed to have a two-storey side extension with a side gable roof design of 1.85m width, 5m depth, 7.85 overall height to ridge and matching eaves. It would be set back 3.5m from the primary elevation and appear visually smaller than the host. This would serve to have a lift, utility room and W.C at ground and a lift with shower-room to first floor.

To the rear of the side extension, it is proposed to have a lean-to roofed rear extension with 1.5 storeys (solid understorey). This would have an overall height of 4.7m and 3.8m height of eaves from ground; it would project 2.3m from the rear and have a width of 2.12m. This would serve a W.C to ground floor.

The extensions would be faced in brick and concrete tile to match the host. It would have windows to front and rear and one to the ground floor side elevation.

Adjacent to the rear extension, there is a proposed raised area projecting 2.3m from the rear and 1.3m height from ground raised slightly for level access. Its elevation would appear to be brick to match the host. This would have powder coated steel railings to its boundary and an external staircase projecting a further 1.25m width from the raised area forward of the extension providing access to the lower ground of the garden.

It would retain 0.8m width side-access to the rear.

History of negotiations/amendments received.

The officer sought further clarification on land stability and windows which was supplied by the agent. The agent was directed to the package of information supplied by the Northern Gas Network to ensure that they had reviewed the relevant information with regard to the High Pressure Gas Pipeline nearby. The case officer considered the application on review and sought no amendments to the plans as it met LP policies on visual and residential amenity.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking 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 which expired on: 10/01/2024.

One representation had been received Objecting; a summary of the comments received is set out below:

- Structure may put too much pressure on wall.

Consultation Responses

Health and Safety Executive: No objections.

Northern Gas Network: No objections.

Kirkburton Parish Council: No objections.

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 unallocated on the Kirklees Local Plan. It is within a low coal risk area for development. It is within a Hazardous Material Site (ref: H0396) and a High Pressure Gas Pipeline area. It is not within an area noted for biodiversity.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology
- 6) Representations

7) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Key Design Principle 1 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

Sections 5.15-5.16 and 5.19-5.22 of the SPD relate to general guidance on side extensions and two-storey side extensions (pages 28 and 29).

The proposal would be significantly set back from the front elevation, would have a harmonious roof design, be set down substantially from the host and be of restricted width ensuring a visually smaller addition to the host in accordance with the SPD. It seeks to retain a gap to boundary of 0.8m for external access to the rear which would be modestly below the guidance of the SPD however there would be a retained sense of openness given the significant set back from the primary elevation ensuring that this would be of minimal visual impact to the streetscene and be acceptable. The proposed

fenestration and matching materials would aid in the scheme to appear well integrated with the host and there have been similar extensions of this nature ensuring that the proposal would not appear out of keeping with the host and streetscene.

Paragraphs 5.1-5.6 of the SPD (pages 23-24) provides specific advice on rear extensions and single-storey rear extensions which is used as a guide for this single-storey side/rear extension with base.

Generally, they should preserve an external passageway to the rear garden and a garden of reasonable size which the proposal would comply with. It would not be set behind the original building however would still be screened by the two-storey side extension in harmonised materials and of very restricted width to ensure that it would not appear visually intrusive within the streetscene or to the host.

The single-storey rear extension would not comply with the height restrictions set out in the SPD as it seeks to provide ground floor level access within a steeply sloping hill side; in this very limited instance Officers consider that to reduce the height of the extension would be impractical for good design and would contribute to poor internal living arrangements for the occupants. In addition, it would be screened by the two-storey side extension and would have a retained external access to its side reducing its visual impact to the host, neighbour and streetscene. For these reasons, Officers concur that could be accepted subject to further assessment on residential amenity.

The installation of external steps parallel to the modestly increased height of the raised platform would be fashioned in matching materials and have metal railings allowing this small addition to appear well integrated to the host. The modest increase in height to the existing would not appear to be visually incongruous to the host as it would align to the internal ground floor level and as such, be acceptable.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135f) of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that extensions and

alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

No. 32

The neighbour to the northeast has a raised conservatory of 1.5 storey height adjacent to the raised platform of no. 30 and this would be separated by 4.5m to the 1.5 storey rear extension which would have no facing windows. The rear extension would appear as a single-storey rear extension to this neighbour given their own raised conservatory. As such, the modest increase in platform height, which is adjacent a close boarded fence, and the design and separation distance of the rear extension would not give rise to overbearing, overshadowing, overlooking, or loss of privacy and outlook to no. 30.

No. 28

It is noted that this neighbour is on lower ground to no. 30 with a retaining wall separating the driveways and there is a single-storey detached outbuilding/garage adjacent to the development site and also has a single-storey rear conservatory situated ~5m southwest of the shared boundary. There is a partially glazed door to ground floor and a clearly glazed window to the first storey of its side elevation facing the site. No. 30 currently has a similarly positioned side window at its first floor.

There are no available Council records or historic property listings to indicate what the internal layout is. Email correspondence with the agent confirmed that the door serves a kitchen and the first-floor window serves a landing. The new ground floor window serving an utility room would be positioned further to the rear than no. 28's side window and would look out towards the ceiling level of no. 28's ground storey ensuring very oblique views; in addition, the removal of the existing side elevation window would have a modestly improved relationship to overlooking and loss of privacy to the existing arrangement. Given the confirmation from the agent that the windows serve non-habitable rooms, and the placement and height of the window in relation to no. 28's, Officers concur that this would have a very restricted impact to the neighbour in terms of overlooking and privacy and propose that this be acceptable. The significant set back and limited depth of the proposed side extension and the outbuilding adjacent to the development would adequately mitigate against the potential for the height of the extensions to appear overbearing. The proposed extensions would be to the northeast of the

neighbour ensuring that it would not have significant additional impact on overshadowing.

The proposed additional external steps would add a very limited additional raised area to the current arrangement however this would be balanced by the rear extension screening the existing raised area from view; Officers conclude that this would have an improvement over the existing arrangement in terms of privacy and overlooking.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a proportionate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, the Highways Design Guide advises that residential properties should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. For a 2-3 bedroom dwelling it should have a minimum of 2 off street parking spaces. The modest encroachment of the side extension would still allow the property to have two off street parking spaces to the driveway and would not intensify the use of the property with additional bedrooms. Bin arrangements will remain as existing with external access retained. As such, Officers concur that the proposal would not conflict with the aims of Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

5.1 Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

5.2 Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to existing hardstanding therefore this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

5.3 Contaminated and unstable land

The application site is within a Hazardous Material Site (ref: H0396) and a High Pressure Gas Pipeline area. In accordance with requirements for public safety, the Health and Safety Executive and Northern Gas Networks were consulted and raised no objections. The agent was supplied with details of the Northern Gas Network guidance to ensure that the proposal would not adversely impact on the Gas Pipeline.

A representation raised that the development may impact on the load bearing function of the shared retaining wall and land stability. Policy LP53 of the Kirklees Local Plan and paragraph 189c) of the NPPF is relevant. Further guidance on the NPPG regarding Land Stability has also been considered in the assessment of this application.

Additional information was sought from the agent who confirmed that the foundations to the new extension will be taken down low enough to not impose a sideways load on the retaining wall and that the arrangement will be agreed through a Party Wall Notice. In this respect, bearing in mind the limited height of the retaining wall, the position of the extension away from the highway and the measures to ensure property ownership is respected, Officers would defer to the relevant guidance within paragraph 190 of the NPPF, that the responsibility for securing a safe development rests solely with the developer and/or the landowner. An informative has been attached reminding the agent/applicant of this duty to ensure safe building operations in this regard. Officers consider that this would be sufficient to satisfy the requirements of both LP53 of the KLP and paragraphs 189c) and 190 of the NPPF in relation to land stability and the safety of the surrounding neighbouring properties.

6 – Representations:

One representation had been received and considered within section 5.3 of the report.

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

Application Number: 2023/93481

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, LP28 and LP53 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials 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 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's

adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: In relation to the proximity to the low height of the retaining wall, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Existing and Proposed Site, Elevation and Floor Plans.	Drawing no. 1544/01.	B	28/11/2023
Climate Change Statement	-	-	06/12/2023

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. The officer sought further clarification on land stability and windows which was supplied by the agent. The agent was directed to the package of information supplied by the Northern Gas Network to ensure that they had reviewed the relevant information with regard to the High Pressure Gas Pipeline nearby. The case officer considered the application on review and sought no amendments to the plans as it met LP policies on visual and residential amenity.

Report Dated: 09/02/2024