

**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:	<b>2023/62/93724/E</b>
Site Address:	3, Knowler Hill, Hightown, Liversedge, WF15 6PH
Description:	Erection of first floor rear extension with external alterations
Recommending Officer:	Nicole Helliwell

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 27-Feb-2024**

## **Officer Report**

**Reference No.** 2023/62/93724/E

**Site Address:** 3, Knowler Hill, Hightown, Liversedge, WF15 6PH

**Proposal:** Erection of first floor rear extension with external alterations

## **Site Description**

The application relates to 3 Knowler Hill, a two storey semi-detached property situated in Hightown, Liversedge. The dwelling is faced in stone, brick and render and incorporates a dual-pitched roof finished in slate. The property currently benefits from off road parking to the front, a detached garage and garden areas to the front and rear. The dwelling is situated within a predominantly residential area which is characterised by red brick and stone built dwellings of varying ages, sizes and styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

## **Description of Proposal**

The application seeks planning permission for the construction of a first floor rear extension and associated external alterations. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed enlargement and external alterations. The details of the proposal are summarised below:

- First floor rear extension (projection approx. 3.5m, maximum height approx. 7.9m and eaves height approx. 6.7m)
- Installation of new first floor window within the side elevation of the property

## **Relevant Planning History**

- **2023/93644:** Discharge conditions 4 (materials), 5 (boundaries), 6 (e v charging), 8 (ecology report) on previous permission 2023/91541 for erection of detached dwelling, formation of vehicular access and parking areas, and demolition of existing detached garage. [Planning application details | Kirklees Council](#) – Pending consideration.
- **2023/91541:** Erection of detached dwelling, formation of vehicular access and parking areas, and demolition of existing detached garage. [Planning application details | Kirklees Council](#) – Conditional Full Permission .
- **2022/93518:** Erection of detached dwelling, formation of vehicular access and parking areas, and demolition of existing detached garage. [Planning application details | Kirklees Council](#) – Refused (Appeal dismissed).

## **Representations**

The application was advertised by neighbour notification letters, which expired on 20<sup>th</sup> February 2024. As a result of the above publicity, no representations have been received.

### **Consultation Responses**

Not Applicable.

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

### **Kirklees Local Plan Policies**

- 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 52 - Protection and Improvement of Environmental Quality

### **Supplementary Planning Guidance / Documents:**

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### **In this case, the following SPDs are applicable:**

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

## **Assessment**

### **1. Principle of development**

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

### **1. Impact on Visual Amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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. Furthermore, Key Design Principle 2 of the SPD goes onto state 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 details.

#### **First Floor Rear Extension**

The proposed first floor extension would project approximately 3.5m from the rear elevation of the original build and would sit above the existing single storey element of the property. The extension would incorporate a mono-pitched roof finished in slate and would be faced in render to match the appearance of the existing rear elevation. Although the extension would not be set back from the existing single storey element, it would be a proportionate addition and would feature a lower ridge line such that it would

appear subservient to the original build. On this basis, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

#### Alterations to Fenestration

The proposed external alterations would see a new bathroom window installed at first floor level within the side elevation of the dwelling. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area. Although the fenestration proposed would serve a bathroom and an ensuite which are non-habitable rooms, a condition requiring the windows to be obscure glazed will be added to the decision notice to prevent any detrimental harm to the neighbouring occupants with regard to residential amenity.

#### Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

## **2. Impact on Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties to the front or rear of the property would be affected by the proposed works.

#### Impact on 7 Knowler Hill

7 Knowler Hill is a residential property located north of the application site. The submitted plans confirm that the proposed first floor extension would not surpass the rear elevation of no.7 and would comply with the 45 degree rule in relation to the neighbour's first floor fenestration. Whilst it is noted

that the neighbour's garden wraps around the garden of the host dwelling, Officers do not consider that there would be any additional overlooking harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

#### Impact on Swinford House

Swinford House is a two storey detached property located west of the application site. The proposed first floor rear extension would occupy a position approximately 7m from the common boundary shared with Swinford House and would accord with the 45 degree angle in relation to the neighbour's fenestration. On this basis, it is considered that there would be no undue harm to the neighbouring occupants with regard to overshadowing and overbearing impact.

#### Impact on the detached dwelling approved under 2023/91541

A new two storey detached dwelling has been approved under planning application reference no.2023/91541. Whilst this dwelling has not yet been constructed, consideration must be given to the future occupiers of this property. The proposed first floor rear extension would be positioned approximately 3m from the side wall of the approved dwelling and would accord with the 45 degree rule in relation to the neighbour's rear windows. Therefore, it is considered that the proposal would have an acceptable impact on the future occupiers of this dwelling.

#### Occupier Amenity

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

#### Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

### **3. Impact on Highway Safety**

The proposal would create an additional bedroom which would intensify the domestic use at the dwelling. However, it is noted that sufficient space would remain for two off road parking spaces which would represent a sufficient provision for a three bedroomed dwellinghouse. Therefore, the proposal is considered acceptable in accordance with Policies LP21 and LP22 of the

KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

#### **4. Other Matters**

##### Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

##### Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's GIS Mapping System, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

#### **5. Representations**

No representations were received following the statutory publicity.

#### **6. Negotiations**

Amendments were sought during the course of the application. A request was made to alter the materials proposed for the side elevation of the extension to red brick to match the appearance of the original build. Furthermore, a request was made to install a first floor window within the rear elevation of the enlargement to improve the occupier's residential amenity. Revised drawings were received which were considered acceptable with regard to visual and occupier amenity.

#### **7. Conclusion**

This application for the erection of a first floor rear extension with external alterations at 3 Knowler Hill has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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. As set out above, 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:** 2023/93724

**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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP52 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The extension hereby approved shall be faced in render for the external walls with the exception of the side elevation which will be faced in red brick. The roofing materials will also be slate. The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The proposed first floor windows in the side elevation of the dwelling shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale and non-

opening to a height of no less than 1.7m above floor level and retained as such thereafter.

**Reason:** In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the House Extensions and Alterations SPD.

**NOTE:** Due to its location, 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 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.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	703-001	-	22/12/2023
Existing Plans	23/174	-	22/12/2023
Proposed Plans	23/174	A	26/02/2024
Site Plan	23/174	-	22/12/2023

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

**Plans and specifications schedule: -**

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 Planning 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 Case Officer undertook negotiations with the agent to secure amended plans. Revised drawings were submitted which were considered acceptable with regard to visual and occupier amenity.

**Report Dated: 26/02/2024**