

**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>2023/62/93753/E</b>
Site Address:	371, Halifax Road, Hightown, Liversedge, WF15 8DU
Description:	Alterations and extension to outbuilding to create dwelling forming ancillary annex and erection of first floor extensions to front and rear to existing dwelling, front and rear dormers, alterations to roof to form gable ends and erection of detached garage
Recommending Officer:	Elenya Jackson

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date:** 23 February 2024

## **OFFICER REPORT: 2023/93189**

### **Site Description**

371, Halifax Road, Hightown, Liversedge, WF15 8DU is a 1.5 storey detached dwelling which currently benefits from its own driveway and private amenity space.

The dwelling is constructed out of stone which is characteristic of the area; however, dwellings within the street scene are not uniform in appearance but adhere to a reasonably consistent building line.

The site is within a low risk coal area and the back garden of the property is within the Green Belt (9m away from the rear of the dwelling)

### **Description of Proposal**

The application is seeking permission for: Alterations and extension to outbuilding to create dwelling forming ancillary annex and erection of first floor extensions to front and rear to existing dwelling, front and rear dormers, alterations to roof to form gable ends and erection of detached garage.

The proposed hip to gable alteration would extend 2.7m on the eastern elevation and 2.7m on the western elevation. This would not extend beyond the side elevation of the existing dwelling or above the ridge of the host property.

The dormer on the principal elevation of the dwelling would have a height of 2.1m and a width of 2.2m.

The existing projection on the front of the dwelling would increase to have a maximum height of 6.2m with a front gable.

The extension to form a garage would not extend beyond the existing principal elevation of the garage and the dimensions would largely stay the same with the exception of the height which would be increased to 4m from 3.2m.

The alterations to the rear would include a first floor extension above the existing projection, the introduction of a rear dormer and a balcony.

The rear dormer would have a width of 3.9m with a height of 3.2m. This would have a cedar cladded finish.

The extension above the existing projection would increase the height of the projection to 6.6m and feature a pitched roof.

The balcony would be located above the existing dining roof and be enclosed with a glass balustrade.

The proposed garage would have a width of 6m and a depth of 6m with a maximum height of 4m.

### **Relevant Planning History**

N/A

### **History of negotiations**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. No alterations were requested

### **Representations**

The application was advertised by neighbour letters, which expired on 22/2/2024

As a result of the above publicity two representations were received which raised the following concerns:

- Overlooking
- Close proximity of annexe
- Loss of privacy due to balcony
- Development in Green Belt

### **Consultation Responses**

None

### **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).

Much of the site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, much of the garden to the rear of the site is Green Belt.

On 12<sup>th</sup> 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.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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.

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

### **Assessment**

#### Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). The rear garden of the site is within the Green Belt; however, the proposal would not be located with the green belt.

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 & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations SPD goes on to 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.

The property is located in a predominantly residential area. The neighbouring properties are not uniform in appearance in terms of construction design or scale. There are few similarities between dwellings within the application properties immediate building group.

Section 5.3 of the Kirklees Home Extensions and Alterations guide sets out the key design principles for side extensions and states that side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect that of the original building in terms of roof style pitch materials and detailing. These further details that two storey side extensions should be set back from the host dwelling by 500mm, by visually smaller than the host dwelling.

It is considered that the proposed side extension would be largely the same footprint as the existing garage and therefore would have an acceptable impact on the host dwelling.

Section 5.4 of the HEASPD refers to dormer windows and roof alterations. It is acknowledged that part of the front dormer, a portion of the front gable end could not be built without the alteration of the existing roof from a hip to gable. Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case by case basis”. It is considered that there are a variety of properties within the street scene in terms of roof design with the closest to the application property being to the west. The property is detached which would reduce the impact of the alteration to a gable end. The proposal would include a front dormer which would be subservient to the host dwelling and set above the eaves of the dwelling. It is considered that the neighbouring dwelling features dormers of similar scale and design and therefore the proposal would not be out of keeping with the character of the area.

The rear dormer would be of substantial scale, however, this would not be highly prominent within the street scene and subservient in the roof space.

The dormers would feature a cedar clad finish. It is considered that as the area does not have a uniform appearance, the use of cedar cladding would be a contemporary addition in this instance and officers would recommend a condition of samples to ensure an appropriate colour was used.

Section 5.8 of the HEASPD refers to two storey rear extensions and states that rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original 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;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre.

It is considered that the first floor extension would be above an existing projection on the dwelling and adhere to the above criteria.

Paragraph 5.29 of the HEASPD refers to outbuildings and states that they should:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene;
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house,
- follow a general principle that no more than 50% of garden space should be lost.

It is acknowledged that the garage would be located to the principle elevation of the dwelling and it has previously been stated that the dwellings in the street scene follow a reasonably consistent building line. Despite this, there are other examples of outbuildings to the front of dwellings to the west of the application property and the main dwelling would still be prominent within the plot.

Having taken the above into account, the proposed extension would not appear to be out of character with the host dwelling or the wider street scene. The proposals therefore comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

### 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 House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

369 Halifax Road: adjoins the application site to the east.

Overlooking: The proposal would feature side facing windows relating to a bathroom. It is considered this could be conditioned to be obscured and therefore no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would not extend any closer to no.369 than the host property or increase the maximum height and would not extend beyond the rear elevation of no.369. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

371A: adjoins the application property to the west.

Overlooking: The proposal would feature three side facing windows. There would be 20.4m between the balcony door and the side elevation of no. 371a and 15m between the shared boundary of the dwellings. There is one side facing window at no 371A which would be in line with the host dwelling and there would not be a direct relationship between the window and the rear amenity space of no 371A. The other side facing windows would serve a bathroom and be a secondary velux window; Therefore, these would be conditioned to be obscured.

Overshadowing/loss of light/overbearing: The proposed alterations would not bring the dwelling any closer to 371A than the host dwelling and would not increase the maximum height of the dwelling on site; therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.

The rear dormer and balcony are centrally located and part screened by the proposed extension. Taking into account its location and design it is not considered to result in any materially greater overlooking of neighbouring gardens when taking in to account the existing relationships in the area. There are first floor windows similarly positioned that currently have views. The setting back of the balcony helps to mitigate any impact. This element of the proposed development is considered acceptable and would not result in a reduction in amenity to the extent the application should be refused.

Due to the scale and location of the proposal, it is considered that no other properties would be affected by the proposal.

Having considered the above factors, the proposal is 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 & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

#### Impact on highway safety:

The proposals would result in the intensification of the domestic use of the site due to it creating three upstairs bedrooms. The site currently has a driveway and the garage would retain 2 parking spaces and the site does have additional space should further parking be required. The proposal is considered to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

#### 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.

#### Representations

As a result of the above publicity two representations were received which raised the following concerns:

Overlooking:

**Response:** This has been addressed in the residential amenity section of the report.

Close proximity of annexe

**Response:** This would not be brought any closer than existing development.

Loss of privacy due to balcony

**Response:** Due to the central location of the balcony, it is considered that no adverse impact on privacy would occur

Development in Green Belt

**Response:** Whilst the rear part of the site located within the Green Belt, the proposed development would relate to the existing dwelling which is located on the unallocated part of the site. As such, there would be no impact on the openness of the Green Belt.

#### Proposed conditions

Three Years

Approval of materials

In accordance with the approved plans  
Obscured glazing

Conclusion:

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed alterations would not be out of character with the host property and the wider area. To permit the proposals would accord Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/62/93753/E

**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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Notwithstanding the plans submitted, details of the external walls and roofing materials shall be submitted and approved in writing by the Local Planning Authority. The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the approved plans, prior to occupation of the development hereby approved, the first floor side facing window of the development shall be fitted with obscured glazing with a Pilkington level of four or equivalent. The window shall be retained as such for the lifetime of the development.

**Reason:** To preserve the residential amenity of neighbouring residents and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

5. Notwithstanding the approved plans, prior to the occupation of the development hereby approved, the side facing bathroom windows in the eastern and western elevations shall be fitted with obscured glazing with a Pilkington level of four or equivalent. The windows shall be retained as such for the lifetime of the development.

**Reason:** To preserve the residential amenity of neighbouring residents and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

**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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Proposed Elevations	2023/436/04	21/12/2023
Grouped Plans and Elevations- Garage and Site Plan	2023/436/05	21/12/2023
Proposed Front and Rear	2023/436/03	21/12/2023
Proposed First Floor Plan	2023/436/06	21/12/2023
Proposed Annex Plan	2023/436/07	21/12/2023
Location Plan		21/12/2023
Existing Floor Plan	2023/436/02	21/12/2023
Existing Elevations	2023/436/01	21/12/2023
Climate Change		21/12/2023
Design and Access Statement		21/12/2023

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 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. No alterations were required.

