

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:	2023/62/93756/W
Site Address:	42, Manchester Road, Slaithwaite, Huddersfield, HD7 5JA
Description:	Partial demolition of rear conservatory and erection of single storey rear extension
Recommending Officer:	Molly Storer

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Feb-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93756
Location	42, Manchester Road, Slaithwaite, Huddersfield, HD7 5JA
Proposal	Partial demolition of rear conservatory and erection of single storey rear extension
Publicity end date	12 th February 2024
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan
Extension to Time (EoT)	No EoT Date:
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023

National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The agent was contacted due to concerns about the proposal not complying with the SPD. Issues were raised such as the materials not matching the host dwelling, the roof design differing than that on the original dwelling and the extension not being set in line with the original dwelling. There were also concerns about access to the rear garden being obstructed. The agent responded by justifying the contemporary design and stating that access to the rear garden will remain. This will be assessed in the following report.
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

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

The extension in part will project 2.8m from the rear (east) elevation. The other part will project 3.3m from the rear (east) elevation. This is an 'L' shape configuration. The width of the extension will be 7m overall and this will project beyond the side (south) elevation. The overall height of the extension will be 3m with a flat roof design. This will create a day room and a third bedroom.

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

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – there is a large garden area to the rear more than half of this will be retained.	
Be set behind the original building, and not projecting beyond the sides		No – the extension projects 1.2m beyond the side elevation. The agent justified this by stating that the design is necessary and will enhance the appearance and character of the building. This is considered acceptable in this isolated case due to the front elevation of the extension being significantly set back from the road and appearing as a small outrigger from public view.
Maintain external access to the rear garden	Yes – the agent clarifies that external access will be maintained, there is an access track that serve the rear.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes, in part – due to being single storey in height and not impacting first floor windows the extension will be in keeping with the scale of the original house.	No - the style, with a different roof design and differing materials the extension will not completely be in keeping with the original style. However, the extension will replace

		the unsympathetic conservatory addition in place of a better quality design. Therefore, in this isolated case is considered acceptable.
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – the extension will not cover more than half of the total area around the original house.	
not exceed 4 metres in height	Yes – the height of the extension will be 3 meters.	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties	Yes – the property is detached and the largest projection will be 3.3m from the rear.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – however due to the flat roof design limiting impact and only half the extension projecting more than 3m the extra 0.3m in length is considered acceptable.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – only a gap of 0.6m would be retained. However, this is considered acceptable due to the large ~2m fence and associated vegetation on the boundary screening the neighbouring property.

As the extension extends beyond the side elevation of the kitchen it is also considered a side extension and therefore will also be assessed in relation to this.

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraphs 5.15, 5.16 and 5.17 on page 28 (and listed below) and if they do not, they need to be justified.

Side extensions	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
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Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – The extension would not be built up to the boundary limiting the impacts. Due to a ~2m high fence which is situated between the properties the extension will not cause further loss of natural light.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes- there are no openings within the north side elevation and openings within the south side elevation are already screened by a ~ 2.5 meter wall.	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house		No- however this is considered acceptable due to , the extension replacing the unsympathetic conservatory addition in place of a better quality design.
not exceed a height of 4 metres	Yes – height of 3 meters.	
be set back at least 500mm from the original building line to allow for a visual break	Yes – set a significant distance behind the original building line	

Design and Visual Amenity:

The application site refers to 42 Manchester Road a two storey detached property in Slaithwaite. Due to the topography of the site the dwelling is situated ~1m above the road level with steps to the front garden and house. The dwelling hosts a conservatory to the rear which was constructed between 2012 and 2018. The property also benefits from a large rear garden which slopes upwards towards the rear boundary.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Limited views from public vantage points as will be located principally to the rear. The extension is significantly set back from the road such that it is concluded to have an acceptable impact upon the street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being single storey and replacing an unsympathetic conservatory addition.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey and the flat roof design with a limited height of 3m means that in terms of height, scale and massing the extension would be subservient to the original house.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Although the materials would not match the original dwelling black timber is considered acceptable due to the design being of a contemporary design and replacing the unsympathetic conservatory addition. This material would also lessen the immediate visual presence of the structure.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Flat roof design, ok to limit the scale.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Large bi-folding doors and a smaller window on the rear (east) elevations facing into the garden. A full length window on the front (west) elevation and a full length window and a smaller single window in the side (south) facing elevation. Appear acceptable with the chosen design.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangement. External access to the rear of the property will remain.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- *40 Manchester Road – Two storey detached property to the east.*
- *44 Manchester Road – Two storey semi-detached property to the west – is considered that this dwelling will not be significantly impacted in terms of residential amenity therefore will not be considered in this section. This is because of the significant separation distance of 8m between the extension and habitable rooms at No.44. in addition, there is a ~2.5m stone wall separating the two properties which already screens the neighbouring dwelling.*
- *There are no properties to the front or rear that would be impacted by the proposed development.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	With regard to No.40 there would be no openings in the elevation facing onto this property therefore privacy would not be affected.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Due to the large ~2m retaining wall between the properties and the extension only being single storey it is considered that there would be no further loss of light to No.40.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD	Although the development does	✓

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	propose another bedroom due to the property only having 2 bedrooms originally an additional parking space is not required. Dedicated street parking is available to the front of the property.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Within Bat Alert layer on mapping system. Advisory note to be added to decision notice should bats be found during construction.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with	✓

		regards to carbon emissions. A Climate Change Statement has been submitted with this application.	
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
None		

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2023/93756

Officer Recommendation: Approve

Conditions and Reasons

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed site / block layout	23_822 103	A	05/01/2024
Location plan	23_822 102	A	05/01/2024
Proposed grouped plans and elevations	23_822 101	-	21/12/2023
Existing plans and elevations	23_822 100	-	21/12/2023
Climate change statement	-	-	05/01/2024
Application form	-	-	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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was considered necessary to seek any amendments/further information during the course of this application. The agent responded with a justification statement in support of the application as submitted. The application has been determined taking into account this additional information.

Report Dated:

27/02/2024