

**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:	2023/62/93771/W
Site Address:	124, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ
Description:	Erection of single storey side extension (Listed Building)
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: 05-Apr-2024

Officer Report

Site Description

124 High Street is an end of terrace, two storey dwelling which forms half of a Listed Building. The property is on a corner plot with the front elevation facing onto High Street and the rear elevation facing onto Halifax Road. The property occupies the south-west side of the building and benefits from garden amenity space to this side. The property forms part of a larger building which has been subdivided into two residential units. This is common in the surrounding development with other listed buildings in close proximity which have been amended in different ways.

Description of Proposal

Permission is sought for the erection of a single storey side extension.

An application for Listed Building Consent for the works has also been submitted under application number 202490034 which runs concurrently with this application.

The proposed extension would project 3.8 metres from the side elevation and have a width of 3.8 metres. It would have a height to the eaves of 2.5 metres and an overall height of 3.7 metres with a gable roof design.

The proposed construction materials would be stone for the walls to match the existing house. Roof tiles are also indicated to match the existing. These are natural stone slate.

History of negotiations/amendments received

The design and conservation team originally suggested that:

- The proposed opening between the kitchen and extension be slightly reduced to retain small nibs, to allow for legibility of the historic wall line and former window and door openings.

- That the window and proposed door need to be reversed so that the mullions windows are on the front elevation and the proposed door is on the side of the extension. The rationale behind this was that the mullions to the front it will continue the rhythm of the building, matching the window details which are to the front elevation of the main building. Equally, moving the doors to the side elevation would in some way relate to the existing arrangement, with the side door.
- That the door should be reduced to a single door, however, it would be possible to include a pair of mullions to the side elevation which would further reestablish the exiting openings.

Amended plans were submitted by the agent which will be assessed in the following report and which were informally reviewed by Conservation And Design.

Relevant Planning History

2024/90039 Listed Building Consent for erection of single storey rear extension, pending determination.

Not yet determined

98/91030 Erection of conservatory (Listed Building)

Conditional Full Permission

98/90274 Listed Building Consent for erection of conservatory

Consent Granted

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, site notice and newspaper advertisement.

Final publicity date expired 5th March – no representations received

The amended plans were not re-publicised as these did not fundamentally alter the development applied for.

An objection has been received to the allied application for listed building consent which is addressed in the assessment of that application.

Consultation Responses

K.C. Conservation and Design – informally advised no objection to the revised scheme subject to conditions (following the submission of amended plans). The recommended conditions are imposed on the recommendation below.

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 a Listed Building within the Kirklees Local Plan. The listing description is as follows:

Early to mid C19. Handed pair. Hammer dressed stone (gable rendered). Pitched stone slate roof (bitumen covered). Stone brackets on string course (paired to north west elevation). 2 storeys (ground floor back to earth).

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP30 - Biodiversity
- LP 35 – Historic environment
- LP51 – Air Quality

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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Document.

House Extensions and Alterations Supplementary Planning Document 2021

Assessment

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 Chapter 12 of the NPPF, regarding design and the adopted SPD. In this case, the principle of development is considered to be acceptable and the proposal shall now be assessed against all pertinent material planning considerations.

Impact on visual amenity and the Listed Building

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

In relation to design, Chapter 12 of the NPPF relates to achieving well designed places, whereby Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 of the Kirklees Local plan states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The proposed extension would be located on the side of the property to accommodate a dining area. Conservation and Design were formally consulted and stated that 'having reviewed the submitted plans, on balance, we consider that the principle of the single-storey extension is acceptable. The scale and design is reasonable and it is positive that attention has been paid to the materials and details.' Detailed design amendments were recommended and were largely achieved through the submission of amended plans. The main variation is the proposal for a door within the front elevation. However, the rhythm of windows is now maintained through the handing of the door and window arrangements and the insertion of mullioned windows to the front elevation.

Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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.

The side extension to the dwelling is assessed under Section 5.3 of the HEA SPD which states that:

"Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

Side extensions should maintain the quality of the environment for neighbours by:

- *Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and*
- *Positioning windows to minimise or avoid any potential overlook into neighbouring gardens...*

...Single storey side extensions should be offset and complement the original building. As such, single storey side extensions 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."*

In respect of the SPD guidelines for single storey side extensions, this proposed side extension would comply with all 3 bullet points in relation to guidance for single storey side extensions. However, great care is required with additions to this dwelling so as to prevent development complicating the form of this building and eroding the character so as to preserve the significance of this listed building. The amendments made to the original

submission have overcome the previous less than substantial harm to the significance of the listed building and have refined the scheme to an acceptable extent.

it is considered that this extension would prevent harm to the significance of the Grade II listed building and would not cause detrimental harm to the visual amenities of the locality (subject to the materials matching to those used on the existing dwelling). Natural stone is proposed for the walls to match the existing dwelling. It is noted that natural stone slates would be proposed for the roof and for the new door and window surrounds too. (These are proposed to be sawn ashlar heads, cills and jambs to match existing house on the proposed plans, together with roof tiles to match the existing).

Given the siting of the proposed extension, to the side of the existing entrance to this property, in front of a boundary wall, it is considered that it would also respect the character of the street scene and form an organic addition to the dwelling. It would also reduce the mass of the rendered side elevation which somewhat detracts from the original building.

As such, in terms of visual amenity and the impact on the Listed Building, this is considered to be acceptable and would accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF, The SPD and the Council's duties under S66 of the aforementioned Act.

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 135 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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, 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, 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. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The property forms part of a larger building. The part of the building subject to this application is the south-west of the original house form. In terms of

overlooking, the proposed extension would have openings within the west front and south facing side elevations (and roof lights in the north facing), side elevation roof slope and due to the orientation of the application site would not have any openings facing another residential property. The closest property to face onto the extension would be 1 Halifax Road at a separation distance of ~ 33 meters and set at a significantly higher ground level. Therefore there are no concerns.

In terms of overshadowing and/or being overbearing, the extension would be set behind the original dwelling meaning that the original property would screen the extension from the adjoining neighbours at 116-122 High Street. Therefore it is considered that the proposal would not cause significant harm.

Principle 7 of the House Extensions and Alterations SPD states that extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals. A large proportion of the garden area would be retained as part of this development therefore Principle 7 is considered to be complied with.

Given the above, it is considered that the proposed development would not cause undue harm to residential amenity. It is therefore considered that the proposed development complies with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and Principles 3-7 of the House Extensions and Alterations SPD.

Impact on highway safety

Principle 15 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should maintain appropriate access and off-street ‘in curtilage’ parking.”*

The proposal would not result in any further bedrooms at the site, and it would not appear to result in the loss of any meaningful parking space available at the site, therefore the impact on highway safety is considered to be neutral.

Principle 16 of the House Extensions and Alterations SPD relates to the storage and collection of bins, but these arrangements are unlikely to be altered by this development.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principles 15 and 16 of the House Extensions and Alterations SPD.

Other matters:

Climate Change - 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 pre-dates 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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

A Climate Change Statement has been submitted alongside the application outlining measures to improve energy efficiency at the site. It is considered that the statement is sufficient to address the requirements of Policy and Kirklees guidance. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. It outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. It goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how*

they might contribute towards the enhancement of the natural environment and biodiversity.”

The site falls within a bat alert layer, but given that the existing eaves of the main body of the dwelling house would not be disturbed by this proposed development it is considered that bats are unlikely to be harmed by virtue of this proposal. Given the modest nature of the proposal, it is also not considered proportionate in this instance to seek enhancements. The proposal is therefore considered to comply with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF and Principle 12 of the House Extensions and Alterations SPD.

Representations:

None received to the planning application.

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: 2023/93771

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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51 of the

Kirklees Local Plan, Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework, and Principles 1-17 of the Council's adopted House Extensions and Alterations SPD.

3. The external walls of the extension hereby approved shall in all respects match the stone used in the construction of the walls of the existing dwelling.

Reason: In the interests of visual amenity of the locality, to preserve the significance of the Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

4. The roof of the single storey side extension hereby approved shall be natural stone slate which shall in all respects match the stone slate used in the construction of the roof of the existing dwelling.

Reason: In the interests of visual amenity of the locality, to preserve the significance of the Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

5. The proposed windows within the side extension shall be in hardwood timber to match the joinery details in the main dwelling. They shall be constructed in timber and shall have slim-line double-glazing units of no greater thickness than 16mm, which shall have black edge spacers and which shall not include trickle vents or friction of egress hinges. The windows as installed shall thereafter be retained.

Reason: In the interests of visual amenity of the locality, to preserve the significance of the Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

6. The flashing to the roof and the joining detail between the approved extension and the listed building shall be finished in code 3 lead.

Reason: In the interests of visual amenity of the locality, to preserve the significance of the Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

7. All rainwater goods (gutters, downpipes) to serve the extension shall be first installed constructed of cast metal (aluminium or similar). They shall thereafter be retained constructed of cast metal.

Reason: In the interests of visual amenity of the locality, to preserve the significance of the Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning

Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

8. The proposed roof lights shall be installed to sit entirely flush with the roof plane. They shall thereafter be retained as such.

Reason: In the interests of visual amenity of the locality, to preserve the significance of the Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

Note: This decision notice should be read in conjunction with 2024/90039 for the allied permission for Listed Building Consent.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Climate change statement	-	-	15/01/2024
Heritage impact assessment	-	-	21/12/2023
Location plan	2877LOC		21/12/2023
Proposed plans and elevations	(100)02	A	11/03/2024
Existing plans and elevations	(100)01	-	21/12/2023
Application form	-	-	15/01/2023

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. Amended plans were requested and submitted to overcome concerns regarding the impact of the development on the significance of the listed building.

Report Dated: 2nd April 2024

