

**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:	2023/62/93786/W
Site Address:	Sunnyside, 56, Heaton Road, Paddock, Huddersfield, HD1 4HZ
Description:	Erection of rear conservatory
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.

John Holmes

AUTHORISED OFFICER

Date: 18-Mar-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93786
Location	Sunnyside, 56, Heaton Road, Paddock, Huddersfield, HD1 4HZ
Proposal	Erection of rear conservatory
Publicity end date	8 th March 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated on the Kirklees Local Plan
Extension to Time (EoT)	No EoT Date: N/A
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	✓	

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 and beautiful 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 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	No	
Parish/Town Council comments sought	No	
Planning History	No	99/90123. Erection of dormer extensions – Conditional Full Permission.
Consultations required	No	

Assessment

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

The extension will project 5m from the rear elevation. It is proposed to extend beyond the original side wall by 3.35m therefore will also be classed as a side extension, it will have a full width of 6.3m. The roof would be a hipped roof constructed from glass panels.

The bottom part of the conservatory walls will be constructed from blocks painted white to match the original dwelling, the higher section will be constructed from white uPVC window panels and the roof from white uPVC roof panels.

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 3.35m beyond the side elevation. However this is considered acceptable in this case due to the front elevation of the extension being set significantly back from the road by a large driveway and front garden therefore it will not cause harm to the street scene.
Maintain external access to the rear garden	Yes – the plans show that external access will be maintained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes, 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. The proposed materials of white painted and glazing for the walls will match the host property.	

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 3m.	
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 semi-detached and the projection will be 3m from the rear.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	Yes – the extension will exceed 3m in length but the height of the eaves will be 2.3m.	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – a gap of 1.1m from the extension to the property boundary will remain.	

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>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – The extension would not be built up to the boundary of No.58 limiting the impacts. The 1.1m gap will allow for reasonable levels of natural light into the side elevation of No.58.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes- the side elevations will be fully glazed however the extension will be constructed at a lower ground level and will face onto a side elevation at No.58	

	which hosts no openings.	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	Yes – the extension will have a limited projection of 3.35m beyond the side elevation.	
not exceed a height of 4 metres	Yes – height of 3.2 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 Sunnyside, 56 Heaton Road a split level, detached property in the area of Paddock. The property hosts a rear garden, which due to the topography of the site, is located on a slightly higher ground level and slopes upwards towards the back of the garden. It is accessed via steps. Part of the lower rear garden will need to be levelled out (at the same level as the rear of the house) to allow for the conservatory extension. The site also benefits from two large front driveways and a garden amenity space top the front which also slopes upwards to the property. The surrounding properties on the residential road vary in terms of age, style and design however many have been extended or amended in some way.

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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 being constructed from matching materials.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Single storey with a limited height of 3.2m, a roof form which will not cause significant harm and due to it not being build up to the boundary means that in terms of height, scale and massing the extension would be subservient to the original house and the wider street scene.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	The walls are proposed to be whit painted blocks and glazing to match the existing property. Condition recommended to ensure the materials match those of the host property.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Partial lean-to roof design to match that of the adjoining neighbours extension and partial gable roof design to match that of the original house.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	All elevations will include glazed panels however due to the enclosed nature of the property's rear and due to the extension being built on a lower ground level the glazing is not considered to cause significant harm.	✓

Accessibility for all users	<ul style="list-style-type: none"> • 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.	✓
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Paragraph 5.7 of the House Extensions and Alterations SPD sets out considerations in terms of dominance / visual amenity impact of conservatories, which has been accounted for in the assessment set out in this section of the report. 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:

- 58 Heaton Road – Split level, detached property located to the west – set on the same ground level.
- 54 Heaton Road – Split level, detached property located to the east – set on a higher ground level. The closest habitable window to the extension will be ~14m away and due to this property being set on a higher ground level it is considered that there will be limited residential amenity impact to this property.
- There are no properties to the front or rear, due to the orientation of the properties and large rear gardens, 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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Although there will be glazing on the west elevation this will face onto a blank wall at No.58. The boundary of the two sites also benefits from a large ~1.8 meter fence which will screen the extension therefore there will be limited impact to privacy.	✓

Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Once part of the rear garden is levelled out to make way for the extension this will be at a slightly lower ground level to No.58. Due to this and the 1.1m gap to the boundary it is not considered to cause significant overbearing or overshadowing.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	Acceptable level of remaining garden space.	✓

Paragraph 5.7 of the House Extensions and Alterations SPD sets out considerations in terms of overlooking, which has been accounted for in the assessment set out in this section of the report. 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:

	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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	N/A	N/A
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The proposal does not propose any additional bedrooms and adequate parking space remains on site.	✓

Provision for waste storage	<ul style="list-style-type: none"> • 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.	✓
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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:

	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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and 	The rear garden would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted the external dwarf walls of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

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.

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
Application form	-	-	22/12/2023
Location and site plan	23/3040/A4	-	22/12/2023
Existing and proposed side elevation	23/3040/A2	-	22/12/2023
Existing and proposed rear elevation and floor plan	23/3040/A1	-	22/12/2023
Existing and proposed front elevation	23/3040/A3	-	22/12/2023

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 not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 15/03/2024

