

**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>2024/62/90146/W</b>
Site Address:	4, Roman Avenue, Mount, Huddersfield, HD3 3XP
Description:	Erection of single storey rear extension and raised patio
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: 04-Apr-2024**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2024/90146
<b>Location</b>	4, Roman Avenue, Mount, Huddersfield, HD3 3XP
<b>Proposal</b>	Erection of single storey rear extension and raised patio
<b>Publicity end date</b>	29 <sup>th</sup> February 2024
<b>Number of representations received</b>	0
<b>Kirklees Local Plan Allocation/Designation</b>	Unallocated
<b>Extension to Time (EoT)</b>	Yes <b>EoT Date: 15<sup>th</sup> April 2024</b>
<b>Recommendation</b>	Conditional Full Permission

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

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

## 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
- **LP30** – 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

	<b>YES</b> / <b>NO</b>	<b>SUMMARY</b>
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Negotiations/Amendments during course of application	Yes	Amendments sought to move the extension away from the neighbouring boundary and to ensure that the 45 degree angle is not cut to be SPD compliant. The agent submitted plans that showed the extension to retain a gap of 1.2m between the extension and the boundary, which officers considered to be acceptable.
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

### **Assessment**

The single storey rear extension would be:

- 8.6m in width
- 3m in length
- 5m in height (including underbuild)
- Raised steps and patio to the rear to access the extension.

The Kirklees SPD sets out that extensions should comply with certain parameters set out at paragraph 5.6 on page 24 (and listed below) and if they do not, they need to be justified:

<b>Single Storey Rear Extensions Should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
Be in keeping with the scale and style of the original house	The proposed scale of the extension is a subservient addition to the dwelling due to the limited projection. The extension would be constructed from matching materials to the host dwelling (brick and render). The	N/A

	proposed terrace would be proportionate when compared to the size of the rear garden.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	The proposal would not cover more than half the total area of the original house. The site does not have existing extensions.	N/A
not exceed 4 metres in height	The proposed height of the extension would be under 4 metres when measured from the ground level at which the original house is on. It is 5m with underbuild.	Due to the topography of the site the extension would be 5 metres above the garden level however this is considered acceptable due to the overall height being lower than the original house and allowance for underbuild.
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	The host dwelling is semi-detached meaning a single storey extension should not project more than 3 metres out from the rear wall. The extension to have a projection will have a projection of 3 metres.	N/A
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	The extension would not exceed 3 metres in projection.	N/A
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.	Amended plans show that the extension will retain a gap of 1.2m from the property boundary. This is considered acceptable by officers.	

The raised patio would be

- 2.1m in length, projecting from the rear extension
- 5.5m width

- Set above ground level by 1m
- The railings will be 0.9m in height

The Kirklees SPD sets out that balconies and roof terraces should comply with guidance set out in paragraph 5.28 on page 31 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area.	The design uses spaced out railings enabling a visually permeable and low impact addition to the host's single storey rear extension. The patio has also been situated 1.7m away from the shared boundary so as to avoid affecting the neighbouring property with the plans indicating the existing fencing would remain in place.	N/A
Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.	To be considered under residential amenity	
Sited away from locations that are sensitive to additional noise levels or disruption.	To be considered under residential amenity	

### **Design and Visual Amenity:**

The street scene consists of single and two storey semi-detached dwellings which are all similar in terms of scale, massing and appearance. Surrounding dwellings benefit from off-street parking with front and rear gardens, are located on varying elevations.

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

	<b>Relevant key design principle (KDP) of the SPD, Policy in</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>

	<b>the Kirklees Local Plan and the NPPF</b>		
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	The proposed development is located to the rear of the host dwelling and thus would have limited impact upon the street scene.	✓
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The single storey rear would be a subservient addition to the host dwelling due to its limited projection and respectful design. There would be a simple railings to the patio ensuring an open and permeable design.	✓
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed extension (as amended) would be subservient in terms of height, scale and massing. The terrace projects to a maximum of ~2m in depth, but is proportionate, given the size of the garden and the width of the plot.	✓
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The rear extension would be finished in brick and render which would match an existing dwelling. The external wall of the raised patio are also shown on plans to be of a block walling. This appears to be the colour of the existing material used in the adjoining wall and existing raised area and is acceptable given the secluded position of the raised terrace. The roof will use materials which would match the host dwelling.	✓
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> </ul>	The proposed roof of the rear extension would	✓

	<ul style="list-style-type: none"> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	have a gable roof which would be 4 metres from the level of the original house. This roof would have 1 rooflight.	
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Half of the rear elevation of the extension will have a glazed exterior consisting of three sliding doors and additional glazing as well as two single windows. There will be no openings in either side elevation however a rooflight is proposed in the roof slope of the northeast facing side elevation. These appear acceptable.	✓
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Accessibility to the proposed extensions can be gained through the host dwelling and through glazed sliding doors within the rear extension.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, Policies 1 and 2 of the HVNDP, the SPD and the NPPF.

### **Residential Amenity:**

*The main properties affected are:*

- *6 Roman Avenue – A semi-detached dwelling adjoined to the host dwelling to the northeast.*
- *2 Roman Avenue – A detached dwelling which shares a boundary to the southwest of the application site. Due to the separation distance of ~5.4m between this neighbour and the proposed rear extension and ~8.4m to the raised terrace, there would be limited undue impact to the residential amenity of this neighbour. In addition this neighbour has a rear extension projecting around 3 metres beyond the original dwelling therefore the proposed development would not project further than this.*
- *There are no residential properties located to the rear of the application site.*

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed rear extension does not have any windows within its side elevation facing 6 or 2 Roman Avenue therefore privacy would be maintained for these neighbours. In regard to the raised patio separation distances between this and the neighbouring properties will provide additional privacy, with existing fencing shown retained between nos. 6 and the application site.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The amended plans show the extension to be 1.2 metres off the shared boundary. Therefore, although the orientation of the dwellings will result in some shadowing in the afternoons it is considered that this gap will limit any shadowing that may take place. Furthermore, placement of the extension only narrowly cuts the 45 degree angle by 0.4m on balance this is considered acceptable	✓
Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Whilst the proposed extension would use space located in the rear garden, there would be adequate outdoor space retained to be used by current and potential future occupants,	✓

		therefore, the proposal is acceptable in this regard.	
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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?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	There are no proposed changes to highway access with the proposal. The development is considered to acceptable in relation to highway safety.	✓
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed extension would not serve as an additional bedroom, meaning the presumed potential occupants are to remain as existing. This results in existing car parking arrangements to be acceptable.	✓
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Waste collection and storage is considered to be as existing.	✓

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?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>

Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees</li> <li>• Chapter 12 of the NPPF</li> </ul>	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> <li>• KDP 12 of the SPD</li> <li>• Policies LP30, LP31</li> <li>• Chapter 15 of the NPPF</li> </ul>	While it is within a bat alert layer, the small scale alteration to the host would not have significant impacts to roosting potential. It is recommended that a bat informative be attached to notify the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>• KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>• Policy LP51</li> <li>• Chapter 14 of the NPPF</li> </ul>	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 which states that materials will be sourced locally and will utilise energy efficient light bulbs.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> <li>• KDP 14 of the SPD</li> <li>• Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	Most of 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:**

<b>Summary of Representation</b>	<b>Officer response</b>	<b>Addressed ✓ / X / N/A</b>
None received within statutory time frame.	N/A	N/A

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**

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**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90146

**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 , Principles 1 – 17 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.

3. The external walls and roof of the extension 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, Key Design Principles 1 and 2 of 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
Climate change statement	-	-	23/01/2024
Location plan	PP-12742503v1	-	19/01/2024
Proposed plans and elevations	A(10)-01	A	12/03/2024
Existing plans and elevations	A(00)-01	-	19/01/2024
Application form	-	-	19/01/2024

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. Officers sought for a gap to be maintained from the rear extension to the boundary, as the it was considered that the extension being built up to the boundary would cause undue residential impact to the neighbouring property. Amended plans were submitted retaining a gap of 1.2 metres as suggested by officers.

**Report Dated:** 04/04/2024

Coal - low

