

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:	2024/62/90218/W
Site Address:	19, Vale Close, Almondbury, Huddersfield, HD5 8NG
Description:	Erection of single storey side and rear extensions
Recommending Officer:	Joanna Rednall

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-Mar-2024

The Site

19, Vale Close is a two-storey semi detached dwelling located in Almondbury, Huddersfield. The dwelling is located at the end of a cul-de-sac with the main amenity space being a medium-size lawned garden to the rear together with more extensive hard surfaced areas on a raised patio. The exterior walls are faced with pebble dash render with a gable roof. There is a public right of way, footpath no. HUD/139/10 runs along the south of the site connecting Vale Close to Northgate.

The Proposal

The applicant is seeking planning permission for the erection of a single storey wraparound side and rear extension. The exterior walls of the extensions would be faced with render to match the existing dwelling, with concrete tiles on the hipped roof.

Single storey side extension

The measurements of the side extension are as follows:

- ~8.1 metres in total length
- ~2.9 metres in width
- ~2.2 metre eave height
- ~4 metre total height

Single storey rear extension

The measurements of the rear extension are as follows:

- ~2.3 metre projection
- ~7.9 metres in total width
- ~2.2 metre eave height
- ~4 metre total height

The two extensions would form a 'wraparound' from the south and east facing elevations. The extensions would have two rooflights within the side and rear elevations. The 'total' dimensions include the projections beyond the rear and side extensions. The rear extension would be build off a raised patio as ground levels fall towards Northgate to the east.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

Amendments were sought to reduce the scale of the two-storey side extension of the original scheme. Amended plans were received with the two-storey element deleted from the proposal, and replaced with a single storey wraparound extension. The description of development was changed accordingly.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, a site notice, and in the Huddersfield Examiner as potentially affecting a PROW and the Almondbury Conservation Area.

Final publicity date expired 8th March 2024.

One representation has been made as a result of the publicity. This is summarised as follows:

Letters of objection

1. the current application represents over development.
2. It should be viewed in conjunction with the other annex on site that has running water and a mains power supply.as such this is not a temporary building.
3. With all the buildings on site the percentage of garden to building would be less than 25% of garden facilities.
4. The building on this site would unduly affect amenities of light and unduly overshadow a neighbouring property
5. Increase in traffic and a lack of parking facilities.
6. It is noted that this would affect a private right of way.

Consultations

KC Prow (formal) – no objection to proposed development, requested for a note be attached to decision notice if consent is granted.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 - Heritage
- 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters
6. Representations
7. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 of the SPD relates specially to single storey rear extensions and provides the following guidance:

5.6 Single storey extensions should:

- *be in keeping with the scale and style of the original house;*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height;*
- *not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

Section 5.3 of the Council's adopted SPD relates specifically to single storey side extensions:

5.17 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.*

The design of the side extension has been considered acceptable from a visual amenity perspective. The exterior walls would be finished with render to match the host dwelling and surrounding neighbouring dwellings, thus matching their appearance. The single storey extension would not extend more than two thirds of the width of the original height. The side extension, accompanied by the proposed rear extension would not result in covering more than half the total area around the original house (in total which also includes the area to the front of the dwelling). The maximum height of the extension would be 4 metres, and the extension would be set back at least 500mm from the original building line.

The side extension would be sited ~0.4 metres from the side boundary of the site. Following a site visit it is concluded that the extension in relation to the side boundary would not result in negative visual impact in relation to neighbouring dwellings and the setting of the cul-de-sac. Given the proximity of the site in relation to Public footpath Huddersfield 139, it has been requested by KC PROW for a footnote to be attached to the decision notice to retain the setting of the adjacent PROW. The siting would not adversely impact on the setting or users of the PROW now the scale has been reduced to single storey.

Single storey rear extension

The proposed rear extension is considered to appropriately abide by the key design principles as set out in the SPD. The extension would be in keeping with the host dwelling in terms of size and scale with construction materials matching the existing dwelling. The total height would not exceed 4 metres and the extension would not project more than 3 metres from the rear wall of the original house.

The rear extension would be set over 1 metre from the neighbouring boundary to the north, in accordance with SPD guidance. In addition given the projection of the rear extension is 3 metres, there is a realistic permitted development fall back should the side extension not be included. It is therefore considered that the rear extension would have an acceptable visual impact.

As amended the reduced proposals for the site are concluded not to result in an overdevelopment of the site and be subservient to the original property. It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

Historic Environment

The site is adjacent to Almondbury Conservation Area (to the east).

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant. Section 72 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 this case the extensions clearly relate to a modern domestic property within a cul-de-sac of dwellings erected post 1st world war. These form a separate enclave and the extensions proposed would have a neutral impact on the setting (character and appearance of the Conservation Area).

The development is therefore in accordance with the above Policies.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours"*.
- Principle 4 – 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."*

- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”*.
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The dwellings most impacted by the development would be those that directly neighbour the site. There are 17, Vale Close and 20, Vale Close.

Impact on 17, Vale Close – this neighbour is adjoined to the application site from the north-facing elevation. There would be no openings facing this neighbour.

A 1.2 metre gap would be retained from the rear extension and the shared boundary. This is in accordance with the SPD. Given the scale and height of the extension this gap is considered acceptable to retain sunlight and to avoid an overbearing and overshadowing impact: whilst recognising it would be south of this neighbour. The extension would meet the 45 degree line to the closest habitable room window, which is already partly obscured by the existing close boarded fence. In addition, weight is afforded to the fact that a single storey extension of the same proportions and siting right up to the shared boundary could be undertaken in any event by utilising pd rights. As such it is considered there are circumstances which are applicable in this case which relate to the fact this element of the proposal, whilst having an impact upon no.17, has a realistic fall back that it could be undertaken in any event.

It is therefore considered that, taking account of the size and scale of this element of the proposal, it would be unreasonable of the LPA to refuse permission on this element of the scheme on the basis of impact.

Impact on 20, Vale Close – this neighbour is located to the south of the application site.

The extensions would have no openings that face this neighbour. In addition, although the extension is within 1 metre of the site boundary, the side extension is not considered to be of such a scale and siting that it would lead to an unacceptable level of overshadowing or create an unduly oppressive/ overbearing impact upon this neighbouring dwelling due to a separation distance of ~6 metres between the two dwellings and there is already close boarded fencing separating these neighbours.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of

the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

There are no other properties proximate to the extensions that would be materially affected by the development.

Future Occupiers

Key Design Principle 7 of the SPD required an appropriately sized and useable area of private outdoor space is retained. This states that this should 'normally' be at least half the garden area. Discounting the front garden area, around 38% of the originally rear amenity space would be retained. This takes into account the area of the rear garden only as the area to the side of the property is not classed as 'useable' given its width and configuration. The area remaining – on two levels- would provide around 70 square metres of amenity space. Given the resultant size of the property and accommodation provided, this is considered acceptable, although it is lower than that normally expected by the SPD. This is also because the property originally benefitted from a substantial area of amenity space.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The initial two-storey scheme proposed two additional bedrooms at the application property. Following negotiations with the applicant's agent, the two-storey element has been removed and replaced with a single storey wraparound. It is therefore considered that the domestic use of the dwelling would not materially increase as a result of the revised scheme. Therefore, it is considered that sufficient parking would be available on the front driveway.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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. This includes KDPs of the SPD. In this case a climate Change Statement has been submitted with this application which provides proportionate details of the response to climate change in the development of this extension.

6 – Representations:

One representation has been received. Those matters not previously addressed in the report are:

1. It should be viewed in conjunction with the other annex on site that has running water and a mains power supply.as such this is not a temporary building.

Response: it is noted that there is an outbuilding at the end of the rear garden that was erected some time between 2012 and 2018. There are rights to erect outbuildings under the General Permitted Development Order and, as the building has been on site more than 4 years, it would be immune from action being taken even if it did not comply with ‘permitted development rights’. The presence of the building has been taken into account in the assessment of the

development.

2. It is noted that this would affect a private right of way.

Response: there appears to be a pedestrian private right of way providing access to no. 17 through the rear garden of no. 19. The impact of development on a private rights of way is not a material consideration in the assessment of a planning application. Nevertheless, even if planning permission is granted, the landowner/developer would need to address this matter, under separate legislation, as a potential additional consent to be required. An informative will be added to the decision notice.

7 – 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: 2024/90218

Officer Recommendation: Approve

Conditions

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 (as amended).

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, LP30 and LP35 of

the Kirklees Local Plan, 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, 15 , 16 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1,9 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: Due to its location, 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 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.

Note: Public footpath Huddersfield 139 is adjacent to the site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The public rights of way team are based at Civic Centre 1, Huddersfield HD1 2NF and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			26/01/24
Climate change statement			06/02/24

Plan Type	Reference	Version	Date Received
Existing plans & elevations	2023-011-(20)001		26/01/24
Proposed plans & elevations	2023-011-(20)002	A	08/03/2024

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. Amendments were sought to reduce the scale of the two-storey side extension of the original scheme. Amended plans were received with the two-storey element deleted from the proposal, and replaced with a single storey wraparound extension.

Report Dated: 26th March 2024

Low coal