

**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:	2024/62/90290/W
Site Address:	103, Dryclough Road, Beaumont Park, Huddersfield, HD4 5JB
Description:	Erection of lower ground floor and first floor rear extension with covered balcony above and extension to garage to form children's play room including associated alterations and works.
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: 16-Apr-2024

Officer report

Site description

103 Dryclough Road, Beaumont Park, is a split level semi-detached dwelling in the area of Beaumont Park. The building is two storey to the front and three storey to the rear with a basement level. The building is constructed from natural stone with a grey tiled roof. The property benefits from a small garden and driveway to the side. To the rear, the dwelling benefits from a detached flat roof garage and outdoor amenity space.

The site is situated within a predominately residential area, however, to the northeast of the site (rear) is Moor End Academy. The site is unallocated on the Kirklees Local Plan.

Description of development

This application is a resubmission of application 2022/91694 which gained full conditional approval and is extant. The resubmission is due to a pipe being found on site and requirement for the rear extension is being raised by 0.392m from the previously approved height and the garage extension by 0.486m.

Planning permission is sought the erection of a two storey rear extension to form a lower ground floor with covered balcony above and the extension and alteration of the existing garage. The measurements of the proposal are as follows:

Two storey rear extension:

- 3m in projection at ground floor; 4.5m in projection at lower ground floor
- 5.1m in overall width
- 5.6m in height to the eaves; 6m in overall height

Detached garage:

- 7.4m in overall depth
- 3.4m in width
- 2.3m – 2.6m in height to the eaves; 3.55m – 3.3m in overall height (due to the change in levels within the site)

The rear extension would be constructed from stonework with a tiled roof to match the materials that exist on the host dwelling. The garage would be finished in stonework and render.

Internally, the works would create additional living accommodation and potentially a children's playroom.

History of negotiations/amendments sought

No amendments were sought.

Relevant Planning History

2022/91694 - Erection of lower ground floor rear extension with covered balcony above and extension to garage to form children's play room – Conditional Full Permission.

Representations

We are currently undertaking 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 which expired on 2nd April 2024

As a result of the above publicity, no representations have been received.

Consultation response

None necessary.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local 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 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 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

- Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Documents / guidance

House Extensions & Alterations SPD (adopted June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

NPPF Paragraph 11 and LP1 outline a presumption in favor of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation in the Local Plan, therefore, the principle of the development could be acceptable. However, the principle of the development is subject to other material considerations which shall be assessed below.

2. Impact on visual amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 - 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."*

- Principle 2 - 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."*

Section 5 of the House Extensions and Alterations SPD also provides guidance for specific types of extensions and alterations which will be referred to.

In this case, it has been noted that the rear extension and extension to the detached garage would intensify the bulk and massing at the site, however, it is considered this would not result in overdevelopment, especially with a majority of the garden retained.

Two storey rear extension

Section 5.1 of the SPD relates to rear extensions and Paragraphs 5.1 to 5.2 state the following:

"Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- *Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *Being set behind the original building, and not projecting beyond the sides;*
- and*
- *Maintaining external access to the rear garden.*

As a general rule, a rear extension should:

- *respect the original house and garden in terms of its size and scale;*
- *use appropriate materials which match or are similar in appearance to the original house; and*
- *not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties."*

Paragraphs 5.8 and 5.9 of the SPD relate specifically to two storey rear extensions and state the following:

“Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;*
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);*
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;*
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;*
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and not adversely affect habitable room windows where they adjoin a neighbour’s boundary.*

Larger extensions may be acceptable in certain circumstances if this can be justified, such as where neighbouring houses have already been extended, and will be considered on a case-by-case basis.”

In this case, it is considered that the rear extension would be proportionate to the size of the original house and garden and would not result in more than 50% of the total area of garden being developed. Whilst the lower ground floor element will only be inset from the boundary by 0.8m the agent has previously (within the process of the 2022 application) has outlined that the lower ground floor would not be adjacent to any existing openings, as it is at basement level and therefore, there would be no detrimental impact upon neighbouring amenity. This will be explored further in the residential amenity section of the report.

Therefore, on balance, officers can accept the separation distance proposed and the projection of 4.5m of the lower ground floor level as it is sufficient enough to prevent the extension from appearing cramped on the site.

Furthermore, the rear extension would benefit from a lean to roof and would be set significantly below the eaves on the host property, due to the change in levels to the rear of the site. The covered terrace would also be built up at the side elevations, giving the appearance of an extension to wider public vantage points.

Materials for the extension also consist of matching stone and tiles to the roof, which would help the extension harmonise with the existing dwelling.

Detached garage

Paragraph 5.29 of the House Extensions and Alterations SPD states that:

“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building”.

Paragraph 5.30 further goes on to state that outbuilding should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more than 50% of garden space should be lost.

In this case, it is noted that the property already benefits from a detached outbuilding and therefore this is to be extended by 1.2m to the rear and re-built in more substantial materials.

It is considered that the garage is subservient to the footprint and scale of the property, including the rear extension. It would be set back to the rear of the site and would adjoin the rear extension. Furthermore, the majority of the dwellings within the area benefit from detached garages and therefore the works would not be out of keeping with the surrounding built form. The development would also preserve a reasonable amount of private amenity space, allowing more than 50% of the garden space to be retained.

The plans show the garage to benefit from a shallow roof pitch. This has been considered more desirable than the existing flat roof and would be in keeping with the surrounding built form.

Materials as proposed would be stone and red brick. In this instance, officers consider it necessary to attach a condition to the decision notice to state that the garage should be finished in an off white/cream render. This is to protect the visual amenity of the site, in line with Policy LP24 of the KLP.

The extensions together, on balance, are not considered to dominate the existing dwelling, due to the change in levels, size of the plot and their overall height.

Therefore, in summary, it has been considered that the rear extension and detached garage would protect the character and appearance of the host dwelling and wider area, to accord with Policy LP24 of the KLP, Principles 1 and 2 of the SPD and Chapter 12 of the NPPF.

3. Impact on residential amenity

Section B and C of LP24 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 National Planning Policy Framework 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. In addition weight is given to the existing planning permission on site as it is considered that the small increase in height will not cause any further significant harm to visual amenity.

The impact of the development on each of the surrounding properties will be assessed in turn.

105 Dryclough Road

105 Dryclough Road is the attached property to the south east of the application site. It has been assessed that there would be some additional impact upon these neighbour's amenity as a result of the development proposed.

However, with regards to the rear extension, officers have noted that the lower ground floor element would be adjacent to these neighbour's basement, which only benefits from a pedestrian door to the far side. Therefore, officers are satisfied that there would be no undue overbearing or overshadowing from the lower element of this extension.

With regards to the ground floor, the projection is limited to 3m and the extension has also been inset from the boundary by 0.8m in order to ensure that an outlook in excess of 45 degrees can be retained from these neighbours nearest rear opening. As such, officers are satisfied that the works would not result in any detrimental overbearing to these neighbour's rear ground floor openings.

The set off of the overall two storey extension from the shared boundary will also help to prevent undue harm in terms of the creation of an overbearing effect over the rear garden of No.105. In terms of overshadowing, any impact would also only be evident within an afternoon, due to the orientation of these properties.

With regards to overlooking, a side window is proposed at lower ground floor level, to serve the kitchen, a condition will be attached to the decision notice to ensure that the obscure glazing is at least grade 4. This is to meet the aims of Policy LP24(b) of the KLP and Principle 3 of the SPD.

Future permitted development rights for lower ground floor openings will also be removed from the south eastern elevation, due to the close relationship and limited boundary treatment between these neighbours. This is to protect neighbouring amenity.

The submitted plans also show no additional openings to be inserted into the south eastern elevation at ground floor level. This will restrict any loss of privacy at these neighbours. However, given the close relationship between these properties, officers consider it necessary to remove permitted development rights for new openings within this elevation. A condition to this effect will be attached to the decision notice.

In relation to balconies, Paragraph 5.28 of the House Extensions and Alterations SPD states that:

“Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.*
- *Sited away from locations that are sensitive to additional noise levels or disruption.”*

Whilst the balcony at first floor level would be relatively close to the shared boundary, there would be a side wall to prevent undue overlooking. In addition, it is considered that a balcony used for residential purposes in a residential area would unlikely result in undue disturbance to neighbouring properties.

With regards to the alterations and extension to the garage, this would be situated along the north western boundary at the application site and therefore, there would be no material impact upon these neighbours amenity. Any outlook from the double doors, to serve the children’s play room, would also not result in any significant loss of privacy at these neighbours and could easily be mitigated by larger boundary treatment. Therefore, any impact can be supported.

101 Dryclough Road

101 Dryclough Road is the neighbouring property to the north west of the application site.

Due to the location of the two storey extension, a separation distance of 6m would be retained to the nearest side elevation at these neighbours. As such, officers are satisfied that there would be no material overbearing,

overshadowing or overlooking, as a result of the bulk and massing proposed. The additional lower ground floor projection would also be obscured by the garage.

Lastly, when taking into account the alterations/extension to the garage, officers are satisfied that any additional bulk and massing would not be undue. This is due to the fact, that the garage would be situated next to these neighbours outbuilding and would be of a similar height and footprint. Therefore, any additional overbearing and overshadowing would not be detrimental due to the screening effect of the outbuilding next door. The submitted plans also show no additional openings to be inserted into the north western elevation. This will mitigate against any loss of privacy. Once again weight is given to the existing planning permission on site as it is considered that the small increase in height will not cause any further significant harm to residential amenity.

Overall, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in respect of residential amenity, as well as Principles 3-7 of the Council's adopted House Extension and Alterations SPD.

4. Impact on highway safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

In this case, no additional bedrooms are proposed and therefore no concerns are raised in relation to parking.

Bin storage and collection points are also to remain as existing.

For the aforementioned reasons it is concluded that the scheme does not lead to any significant harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 within the National Planning Policy Framework.

5. 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 predates 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.

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency.

Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

In this case, the development is for a small-scale domestic development to an existing dwelling and therefore no additional measures have been required. Nonetheless, officers have noted that the extensions would be predominantly constructed from stone in which is a natural material that can be sourced locally. Large areas of glazing are also proposed within the rear elevation of the rear extension, in which would help aid passive solar gain and reduce the need for artificial light.

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the House Extensions and Alterations SPD states that extensions should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

In this case, the application site lies within swift nesting records on the Council's GIS system. However, given that the works are for extensions to an existing dwelling and the site being incapable of creating habitats for nesting birds, officers do not consider it reasonable in this case to seek biodiversity enhancements.

6. Representations

None received as a result of the above publicity.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation: Delegated Powers

Application Number: 2024/90290

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 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 and LP30 of the Kirklees Local Plan, Principles within the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

3. The materials of construction used in the construction the external walls of the rear extension hereby approved shall in all respects match those used in the construction of the host property and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

4. Notwithstanding the submitted plans, the side elevations (south east and north west) of the extended outbuilding hereby approved shall be finished in an off white/cream render. The front and rear elevations (south west and north east) shall be finished in stone to match the host dwelling. The outbuilding shall thereafter be retained with these materials of construction and colour finish.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and

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

5. The materials of construction of the roofs of the extension and extended outbuilding hereby approved, shall in all respects match the materials of construction of the roof of the host property and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the south eastern facing side elevation of the two storey rear extension hereby approved.

Reason: So as not to detract from the amenities of the attached property, by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD.

7. The ground floor windows within the south eastern facing side elevation of the two storey rear extension hereby approved, shall be fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of the neighbouring property in terms of overlooking, Chapter 12 of the National Planning Policy Framework and Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Climate Change Report	-	-	02/02/2024
Proposed site plan	UD-463	-	21/02/2024
Proposed elevations	UD-463-03	-	02/02/2024
Existing floor plans	UD-463-02	-	02/02/2024
Proposed floor plans	UD-463-02	-	02/02/2024

Existing elevations	UD-463-03	-	02/02/2024
Joining neighbour elevation	UD-463	-	02/02/2024

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 Planning 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. No amended plans were sought in the process of this application.

Report Dated: 15th April 2024