

**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:	2024/62/90353/W
Site Address:	17, Gatehead Bank, Marsden, Huddersfield, HD7 6LE
Description:	Erection of raised decking to rear elevation
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: 04-Apr-2024

The Site

17, Gatehead Bank is a two-storey detached dwelling in Marsden, Huddersfield. To the front of the dwelling is an area of hardstanding for on site parking and a small, grassed area, along with private amenity space to the rear. Boundary treatments consist of hedging and post and rail fencing.

The application site is located within a predominantly residential area, whereby the neighbouring dwellings are of a somewhat similar design and form. Public footpath COL/126/120 also runs adjacent to the rear boundary of the site, and to the rear of the site is open countryside. The land slopes downwards from south east to north west, therefore the rear of the site is on lower ground than the front of the site and there is already a raised area of rear garden supported by retaining walls.

The Proposal

The applicant is seeking planning permission for the erection of raised decking to rear elevation.

The raised decking would project ~4.2 metres from the rear (north-west) facing elevation and would extend ~10 metres along the rear elevation of the dwellinghouse. The decking would have a ~1.2-metre-high glass balustrade with ~1 metre high timber boarded plinth beneath. The decking would be accessed via two external staircases, one on the side facing elevation and one on the rear elevation.

Planning History

Relevant planning history for the site is summarised as follows:-

- 2008/91953 - Erection of conservatory - *conditional full permission*
- 2022/91171 – Demolition of existing conservatory and erection of two storey side and rear and part single storey side extensions – *conditional full permission*
- 2022/93887 – Non material amendment to previous permission 2022/91171 for demolition of existing conservatory and erection of two storey side and rear and part single storey side extensions – *NMA approved*

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

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.

Final publicity date expired 21 March 2024. No representations were made as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

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
- 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: -

- 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 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 (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
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. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

The decking would be constructed approximately 1 metre above the level of the original garden and extends ~4.2 metres out over the garden. Whilst the decking is substantial in size, given the position to the rear of the dwelling together with the size of the site, with amenity space being retained to the front and rear of the dwelling, the decking is considered to be acceptable in terms of visual amenity. It would not take a substantial area of the raised rear garden.

Due to the topography of the site, rear neighbours on Gate Head are located at a lower ground level, with public footpath COL/126/120 situated at a lower ground level adjacent to the rear boundary. The decking would be located approximately 4.8 metres from the rear boundary which is considered acceptable in terms of visual amenity and would preserve the setting and user experience of the PROW.

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.

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 and 6 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.

Section 5.5 of the SPD states that 'balconies' should not negatively affect neighbouring properties or alter the local character of the area. These should be:

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

The House Extensions and Alterations SPD also 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."*

Impact on 19, Gatehead Bank

This dwelling is located to the north-east of the application property. No. 19 is located on a slightly higher ground level, and it is noted that this neighbour has a conservatory to the rear,

granted in 2003 (ref: 2003/92258). The application property is also set further back than No.19 and there is open boundary treatment between the dwellings.

It is considered that the proposed raised decking would have no impact on the level of natural light enjoyed at this dwelling. The decking would be raised ~1 metre above ground level, but considering that No.19 is located at a higher ground level and the existing relationship between the dwellings, the raised decking is not considered to have detrimental impacts on the level of privacy/overlooking or be overbearing to the amenities of this neighbour. Screened is not deemed necessary.

Impact on 15, Gatehead Bank

This dwelling is located to the south of the application property. This neighbour is also located at a lower ground level and set ~9 metres from the application property.

The raised decking would not project beyond the side elevations of the dwelling, therefore the main body of No 17 would mitigate the impact on privacy, overshadowing and overbearing. The rear amenity space of this garden is set adjacent to the application property, with the rear elevation of No 17 in line with the rear boundary of No 15. Due to this, along with the separation distance, it is not considered that the proposed development would cause detrimental harm to the residential amenities of this neighbour.

Impact on 10, Gate Head

This neighbour is located on a lower ground level to the west of the site. The decking would be a substantial distance of ~8.5 metres from the side boundary of the site, therefore would not be detrimental in terms of overbearing/overlooking. A site visit confirmed boundary treatment in the form of shrubbery/trees would preserve the level of privacy of this dwelling and is therefore acceptable with regard to residential amenity.

Impact on 51, Gate Head

No. 51 is located at a lower ground level to the rear of the application property. At a separation distance of over 20 metres, it is not considered that the raised terrace would present additional harm to the level of privacy, overshadowing or overbearing on this neighbour than that which already exists from the raised garden area. The separation distance would mitigate the detrimental harm to the level of outlook of this dwelling and therefore complies with KDP 3, 4, 5 and 6 of the SPD.

It is therefore considered that in terms of residential 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.

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 domestic use of the application site would not increase as a result of the development. There would be no alterations to highway access, and the level of parking on the front driveway would be retained. This is considered acceptable in terms of KDP 15.

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

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 including newts, bats and badgers.

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 do not affect the dwelling, and therefore considered unlikely that the proposals would have an impact on the bat population.

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 KDP 8-11 of the SPD.

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application which provides proportionate details of the response to climate change in the development.

6 – Representations:

None received

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: 2024/90353

Officer Recommendation: Approval

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).
1. 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, 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 and 14 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			12/02/24
Climate change statement			12/02/24
Block and location plans	22 J 04	05	12/02/24
Proposed Layout and Elevations	22 J 04	04	12/02/24

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

04/04/24

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