

**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:	2024/62/90365/W
Site Address:	13, Benomley Crescent, Almondbury, Huddersfield, HD5 8LT
Description:	Erection of two storey side extension
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: 26-Mar-2024

HOUSEHOLDER DELEGATED REPORT –

Application Number	2024/90365
Location	13, Benomley Crescent, Almondbury, Huddersfield, HD5 8LT
Proposal	Erection of two storey side extension
Publicity end date	25 th March 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	N/A
Recommendation	Conditional Full Permission

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

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design

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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES NO /	SUMMARY
Negotiations/Amendments during course of application	No	None required
Parish/Town Council comments sought	No	None required
Planning History	Yes	2022/91245 - Erection of single storey rear extension – Conditional Full Permission.

Consultations required	N/A	None required
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Assessment

The application seeks permission for a two storey side extension. The proposed two storey extension would be located on the west side elevation of the property. The original dwelling has a section which already projects beyond this elevation by 0.6m, the extension will project to the side of this. The extension will be set back from the front elevation of the property by ~3.3 meters and would project to the side by 1.6 meters with a width of 3.6m. The extension would lie flush with the original rear elevation of the dwelling. The eaves height would match the existing with hipped roof line being set down from the existing main roof ridge by 1.88m.

The proposed construction materials would be brick and render with a blue slate roof to match the existing.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified.

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – An opening within side elevation of neighbouring property however this appears to be non-habitable – proposed extension is set in from shared boundary and there is a driveway separating neighbouring property from application site	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – no proposed openings within the front elevation, single opening within the ground floor rear elevation this would face onto the applicants garage. There would be a single obscurely glazed window in the first floor side elevation.	

Two storey side extensions should:		
Not take up all or most of the space to the side of a house	Yes – the extension is set in from the side boundary of the property	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No – a 1 metre gap is not retained between the side boundary and the extension, however is set in by ~0.8 metres and the neighbouring property set in from the shared boundary by approx. 2.75 metres ensuring a sense of space is retained between the dwellings
be set back at least 500mm from the front wall of the house	Yes – the extension is set back from the front elevation of the property by more than 500mm	

Design and Visual Amenity:

Summary of local street scene/character:

13 Benomley Crescent is a two-storey semidetached property located in Almondbury, Huddersfield. The property is faced in brick and render and has a hipped roofing style infilled with blue slate tiles. Within the wider curtilage, driveway amenity space is present to the front elevation with a small front garden, and to the rear of the dwelling, is a substantially sized area of functional garden amenity space. The property is located in a residential area where all of the surrounding properties share the same style of design and construction, semidetached and faced in matching materials. Therefore, it is concluded that there is a strong sense of similarity established within the street scene of Benomley Crescent.

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

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Other side extensions within the street scene – extension is set back from the front elevation with the roof line set down and therefore no established front and rear building lines are obstructed. No terracing effect would occur should adjacent neighbour also extend to the side	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Set back from front elevation, roof line set down from existing. The extension will have a limited projection and width therefore the structure appears subservient.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient due to its limited massing and set down height.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The walls will be constructed from brick and render with the roof being constructed from blue slate. These would match the existing and be conditioned as part of the decision notice	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Hipped to match the existing	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	Single opening in the rear elevation would be, proportionate in terms of size and scale with the existing. The opening	✓

	and (d) of the KLP Chapter 12 of the NPPF	within the side elevation would replace a similar window that is already positioned in this elevation.	
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Main entrance to the property would be retained as existing	✓

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

Residential Amenity:

The main properties affected are:

- No. 15 Benomley Crescent – this property is located to the west of the application site. The impact to this property will be assessed below.
- No.11 Benomley Crescent – this property adjoins the application site to the east. The extension is not considered to have any significant residential amenity impact on these neighbours due to the extension being proposed on the opposite side of the property. This means that the existing development would screen the extension which will not be visible from No.11.
- No. 22 Benomley Drive – this property is located to the rear of the application site. Due to a large separation distance of ~27m and the only opening facing this property being located on the ground floor it is considered that the extension will not significantly impact this neighbour.

There are no properties directly to the rear of the application site.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	- KDP 3 & 4 of the SPD - Policy LP24 Design (d) (iv)	Limited impact due to a single window being located in the side elevation which will host a bathroom and will be obscurely glazed. The	✓

	Chapter 12 of the NPPF	only window that this will face No.15's obscurely glazed bathroom window.	
Impact on light and outlook of neighbours (to sides, rear and front)	- KDP 4, 5, 6 of the SPD - Policy LP24 Design (b) - Chapter 12 of the NPPF	Due to siting and orientation, it is likely that some element of overshadowing already occurs to opening within side elevation of No. 15 during the early hours of the summer months. As the openings appear non-habitable and serve a bathroom, it is not considered that any further harm would be significant.	✓
Impact on overbearing or overshadowing	- KDP 5, 6 of the SPD - Policy LP24 Design (b) - Chapter 12 of the NPPF	No significant impact due to the structure being within the confines of the side elevation of the dwelling and having a limited projection and width.	✓
Remaining garden space of application property	- KDP 7 of the SPD - Policy LP24 Design (b) and (c) - Chapter 12 of the NPPF	An adequate amount of garden amenity space would be retained to the front and rear of the property.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP	N/A	N/A

	Chapter 12 of the NPPF		
Parking provision	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	The property would be retained as a 2 bedroom dwelling and the proposed extension would not increase the number of bedrooms. It is considered that although the extension would reduce the parking area at the property a large part of the driveway would be retained and it is considered that there is no significant strain on parking within the street	✓
Provision for waste storage	- KDP 16 of the SPD - Policy LP24 Design (d) (iv) - Chapter 12 of the NPPF	None shown on plan however sufficient space within the site boundary to accommodate bin storage	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	- KDP 13 of the SPD - Policy LP24 Design (d) (i) (iv) Policy LP33 Trees - Chapter 12 of the NPPF	None	N/A
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - Chapter 15 of the NPPF	The site is located within a bat alert layer on the council GIS System. A footnote will be inserted	✓

		upon the decision relating to the safeguarding of bats potentially on site.	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	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:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
N/A	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**

Decision Authorisation - Delegated Powers

Application Number: 2024/90365

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 LP1, LP2, LP21, LP22, LP24 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 15 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension 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 1,2 and 9 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	09/02/2024
Climate change statement	-	-	09/02/2024
Block plan proposed	2206	-	09/02/2024

Plan Type	Reference	Version	Date Received
Location plan existing	2206	-	09/02/2024
Proposed grouped plans and elevations	2283 02	-	09/02/2024
Existing grouped plans and elevations	2283 01	-	09/02/2024

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 25th March 2024