

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:	2024/62/90410/W
Site Address:	50, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA
Description:	Erection of rear extension and alterations
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: 03-May-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90410
Location	50, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA
Proposal	Erection of rear extensions
Publicity end date	29 th March 2024
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes – 06/05/2024
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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Due to there being trees on the site an an Arboricultural Impact Assessment (AIA) was requested to further understand what impact the development would have on the surrounding trees.
Parish/Town Council comments sought	No	
Planning History	No	<i>2024/90349 – Tree work application – Granted.</i> <i>2004/93013 – Erection of single storey rear extension – Conditional Full Permission.</i> <i>2004/90121 – Erection of detached garage – Conditional Full Permission.</i>
Consultations required	Yes	K.C. Trees – Tree officers were informally consulted due to there being trees on the boundary of the site with Fenay Lodge. Tree officer requested a Arboricultural Impact Assessment which the agent provided this is assessed in the trees section of the following report.

Assessment

This application is for two single storey rear extensions. Plans show that a single storey side extension will be constructed however this is not included within the description of development upon the submitted application form and does not, therefore, form part of the consideration of this application. The two single storey extensions have different roof designs (one being of a flat roof design and one being of a gable roof design). These are addressed as follows:

The flat roof single storey rear extension will be:

- 9.8m in width
- 2.5m in length
- 3.3m in height with a flat roof design

The gable roof single storey rear extension will replace the existing conservatory and will be:

- 3.8m in width
- 4.6m in length
- 2.7m to the eaves and 4m overall height with a gable roof design

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

Single Storey Rear Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be in keeping with the scale and style of the original house	The proposed scale of the extensions are considered subservient additions to the dwelling due to the limited projection of the flat roof extension and the second extension replacing the existing conservatory. The extension would be constructed from matching materials to the host dwelling (natural stone and concrete roof tiles). The flat roof design of the larger extension avoids bulk and massing that may have arose from two gable roofs.	N/A
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	The proposal would not cover more than half the total area of the original house.	N/A
not exceed 4 metres in height	Yes- the flat roof extension would be limited to 3.3m in height and the conservatory extension would be 4m in overall height.	

not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties	The host dwelling is detached and the flat roof extension would only project 2.5m.	The gable roof extension would project 4.6m from the rear wall of the dwelling house however the additional 0.6m is considered acceptable due to the existing conservatory extending 3.1m from the living room and therefore the development would only extend 1.5m further than this.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	The flat roof extension would not exceed 3 metres in projection.	The conservatory extension does exceed 3m and the eaves height is 2.7m. However in this isolated case this is considered acceptable due to the existing conservatory already having an eaves height of 2.7m.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.	Yes – a gap of at least one metre will be retained between the extensions and boundary wall at either side.	

Design and Visual Amenity:

The host property is a detached, single storey house in the area of Almondbury. The street scene consists of single and two storey detached houses which vary in terms of scale massing and appearance. Many of the surrounding dwelling as well as the host site benefit from off-street parking with large front and rear gardens. The property is in close proximity to a listed building (Fenay Lodge) however the proposal would not affect its setting, being a modest addition within a street scene where the properties are spread out and where modest extensions are prevalent.

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	Further comments	✓ / X / N/A

	the Kirklees Local Plan and the NPPF		
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposed development is located to the rear of the host dwelling and thus the views from public vantage points would be limited. With regards to the Grade II listed building located approximately ~26m to the west, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses. However, due to the small scale of the proposal and distance to the listed building as well as the fact the development is to an existing detached dwelling, it is considered that the proposal would not have an impact on the setting of the listed building.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The single storey rear extensions would be a subservient addition to the host dwelling and are considered to be proportionate to the host property. In addition to the extensions would be constructed from natural stone to match the host property resulting in a respectful design.	✓

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	The proposed extensions would be subservient in terms of height, scale and massing. Neither of the extensions would exceed the properties original height, the larger extension would have a modest projection and the conservatory extension would lie on a similar footprint to that of the existing.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The rear extensions would be constructed from natural stone and concrete roof tiles which would match an existing dwelling and therefore would harmonise with the host dwelling. A condition to ensure this is the case is therefore recommended.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The flat roof extension would have a parapet flat roof design. Whereas the proposed roof of the conservatory extension would have a gable roof which would be 4 metres in height. This roof would have 2 rooflights.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The east facing side elevation will host steps to enter the conservatory extension via bi folding doors. Three windows on the south facing rear elevation will be replaced by three larger windows in the same place on the larger extension. The glazing on the conservatory on this elevation will be reduced from a large 6 panel	✓

		window to a smaller central 3 panel window. The east facing side elevation will remove all glazing and there will be no windows on this elevation.	
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Accessibility to the proposed extensions can be gained through the host dwelling and through glazed sliding doors within the rear extension.	✓

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

Residential Amenity:

The main properties affected are:

- *Fenay Lodge – Grade II Listed Building to the west.*
- *52 Thorpe Lane – Detached property to the east.*
- *There are no residential properties located 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) • Chapter 12 of the NPPF	The proposed rear extension does not have any windows within its side elevation facing 52 Thorpe Lane or Fenay Lodge. Instead windows in the elevation facing No.52 are to be removed increasing privacy and the only glazing that would face onto Fenay Lodge would be bi folding doors however these doors are situated ~15m away from	✓

		this boundary. Therefore privacy would be maintained for these neighbours.	
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	The amended plans show the extension to maintain a separation distance of 3m to the boundary of No.52 and a separation distance of 4m to the boundary with Fenay Lodge. In addition, both boundary's host ~1.8m fences as well as dense vegetation which result in natural screening between the properties. Therefore, any loss of light or overshadowing will not be significant.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Whilst the proposed extension would use space located in the rear garden, there would be adequate outdoor space retained to be used by current and potential future occupants, therefore, the proposal is acceptable in this regard.	✓

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	There are no proposed changes to highway access with the proposal. The development is considered to acceptable	✓

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	in relation to highway safety.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed extension would not serve as an additional bedroom, meaning the presumed potential occupants are to remain as existing. This results in existing car parking arrangements to be acceptable.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Waste collection and storage is considered to be as existing.	✓

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

Other matters:

	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	At the Trees officers request the agent provided a AIA statement to further understand the impact that the development would have on the surrounding trees. It shows that in order to ensure the effective protection of retained trees during development, protective fencing should be installed. This will be the first job to be undertaken on site	✓

		following the tree removals. To safeguard the trees, the fencing needs to be installed prior to any demolition/construction works commencing on site. The fencing should be positioned to protect the entire Root Protection Area(RPA) of the retained trees, in order to create a Construction Exclusion Zone (CEZ). The Tree officer concluded that the trees that are listed for removal are of a low category and not protected and does not raise objection. A condition to require the measure set out in the submitted arboricultural assessment to be undertaken is therefore recommended, subject to condition the proposal is concluded acceptable in this regard.	
Impact on ecology	• KDP 12 of the SPD • Policies LP30, LP31 • Chapter 15 of the NPPF	While it is within a bat alert layer, the small scale alteration to the host would not have significant impacts to roosting potential. It is recommended that a bat informative be attached to notify the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning	✓

	Chapter 14 of the NPPF	application with regards to carbon emissions. A Climate Change Statement has been submitted with this application which states that materials will be locally sourced and there will be the installation of smart energy metering.	
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	Most of the rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

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

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/90410

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan , Principles 1 – 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

3. The external walls and roof of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The construction phase of the development hereby approved shall be undertaken in accordance with the temporary protection measures set out in section 4 of the submitted Arboricultural Report & Impact Assessment (ref: 21934/TT). These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	2444-D-20-005	-	13/02/2024
Location Plan	2444-D-20-001	-	13/02/2024
Proposed site and ground floor plans	2444-D-20-003	-	13/02/2024
Existing site and ground floor plans	2444-D-20-002	-	13/02/2024
Existing elevations	2444-D-20-004	-	13/02/2024
Application form	-	-	13/02/2024
Climate change statement	-	-	13/02/2024

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 during the course of this application.

Report Dated: 02/05/2024

Coal - low