

**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:	2024/62/90422/W
Site Address:	19, Occupation Road, Lindley, Huddersfield, HD3 3BD
Description:	Erection of first floor extension and internal alterations
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.

John Holmes

AUTHORISED OFFICER

Date: 30-Apr-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90422
Location	19, Occupation Road, Lindley, Huddersfield, HD3 3BD
Proposal	Erection of first floor extension and internal alterations
Publicity end date	1 st April 2024
Number of representations received	None received
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	EoT Date: 8th May 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	✓	

If 'No' to all above, proceed with a fast track report

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
- **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	Negotiations were made with the applicant regarding the roof form and set back. Amended plans showing a hipped roof were submitted 23 rd April, as well as a justification of the design.
Parish/Town Council comments sought	No	

Planning History	No	
Consultations required	No	

Assessment

Permission is sought for the erection of first floor extension and internal alterations. The first-floor extension would lie flush with the existing ground floor outrigger.

As part of the works one garage would be converted into a study, with the existing garage door removed and replaced with a window.

The measurements of the extension are as follows:

- ~2.5 metres width
- ~5.1 metre length
- ~2.5 metre eave height

The eave height would match the existing eaves at a height of ~5.1 metres, with a ridge height of ~7 metres.

The roof would be hipped in design and set down from host dwelling. The roof would be infilled with tiles to match existing dwelling, and the exterior walls would be constructed from coursed stone to the ground floor garage infill and render with mock tudor timber feature to the first floor.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.19, 5.20, 5.21 and 5.22 on pages 29 and 30 (and listed below) and if they do not, they need to be justified:

Side extensions:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	The extension would retain approximately a 10 metre gap from neighbouring properties which is considered a sufficient distance in this case given the size and scale of the proposal and the relationship between neighbouring dwellings.	
Positioning windows to minimise or avoid any	Proposed windows are within front and rear	

potential overlook into neighbouring gardens	elevations and would not face neighbouring gardens.	
Two storey side extensions should:		
not take up all or most of the space to the side of a house	The extension would be above the existing ground floor outrigger, therefore would not take up additional space to the side of the dwelling.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	A 1 metre gap to the side boundary would be retained.	
be set back at least 500mm from the front wall of the house.	The extension would lie flush with the front elevation.	In this isolated case it is considered acceptable for the extension to not be set back 500mm from the original building line. A justification for the scheme has been provided within the Design Statement where the extension should lie flush to enable the first floor mock Tudor timberwork and marry in with the existing fenestration. In addition, as the dwellinghouse is detached and set back from the roadside, the extension is not considered an overly dominant addition and would not cause a 'terracing effect' between buildings. Furthermore, the proposal is upon an existing element (at ground floor level) which ties into the front

		elevation of the host property. As such it is considered the impact of the development not being set back would not be significant particularly as the roof would be set well down from the ridge of the roof of the host property.
Two storey and first floor side extensions should:		
ideally be visually smaller in relation to the original house	The ridgeline would be set down from original roof.	
be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house	The ridgeline would be set ~1.5 metres below the ridgeline of the original house.	
have a roof design that follows the form of the existing roof	Roof would be hipped in design.	
retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens	1 metre gap would be retained.	

Design and Visual Amenity:

Summary of local street scene/character:

The site is located within a predominantly residential area where surrounding properties are also two-storeys and detached. Most dwellings are set well back from the roadside with boundary treatments consisting of stone and brick walls with mature hedging.

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
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	In keeping with local character – materials and design to match existing dwelling. Property set ~12 metres back from road side.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Following amendments, the side extension is well balanced and sympathetic to original house.	✓
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 extension would be a proportionate addition. The ridgeline is set down from original roof and is smaller in scale than the original property.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	materials and detailing to match original house.	✓
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 in design.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	Three first floor windows within front and rear elevations. One ground floor front-facing window to replace garage door.	✓

	Chapter 12 of the NPPF		
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Private domestic extension – no alterations to access.	✓

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:

17, Occupation Road – located south-east of the application site

A separation distance of ~10 metres is achieved between the two dwellings. There would be no openings facing this neighbour and the extension would be ~2 metres from the shared boundary. The scale of the proposal is not considered to be significant given it would be above an existing single garage, and would be of a hipped roof design. Therefore, it is not considered the side extension would lead to an unacceptable level of overshadowing/overbearing/impact on privacy to this property.

21, Occupation Road – located west of the application site

The main body of the application dwelling would block the extension from this neighbour, therefore it is not considered the extension would cause detrimental harm to the residential amenities of this property.

2, Acre House Avenue – located south-east of the application site

The rear amenity space of this neighbour would be adjacent to the extension. As there are no openings within the side elevations, it is not considered to cause detrimental harm to privacy/overlooking. A separation distance of ~10 metres is also achieved and mitigates detrimental harm to overbearing/overshadowing.

	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	KDP 3 & 4 of the SPD	Acceptable for the reasons above.	✓

sides, rear and front)	• Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF		
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	Acceptable for the reasons above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Over half of the garden space is retained.	✓

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 • Chapter 12 of the NPPF	No alterations to highway access.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The number of bedrooms would increase by 1, taking the total number of bedrooms on site to 6. Sufficient off-street parking for 6 cars is shown on the site plan which is acceptable.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv)	None shown on plan however sufficient space within red line boundary.	✓

	Chapter 12 of the NPPF		
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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	N/A	N/A
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - Chapter 15 of the NPPF	Bat alert layer – note attached to decision notice.	✓
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 NPPE.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
None received		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: 2024/90422

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, 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

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 and be retained thereafter.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			21/02/24
Climate change statement			21/02/24
Site location plan	103/02/2024		21/02/24
Design Statement			21/02/24
First Floor Side Extension & Garage Conversion	101/02/2024	Rev A.	23/04/24

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. Negotiations were made with the applicant regarding the roof form and set back. Amended plans showing a hipped roof were submitted 23rd April, as well as a justification of the design.

Report Dated: 29/04/24

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