

**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:	2024/62/90431/W
Site Address:	20, Norwood Park, Birkby, Huddersfield, HD2 2DU
Description:	Erection of detached building to create dwelling forming annex accommodation associated with 20, Norwood Park, Birkby, Huddersfield, HD2 2DU
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: 12th July 2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90431
Location	20, Norwood Park, Birkby, Huddersfield, HD2 2DU
Proposal	Erection of detached building to create dwelling forming annex accommodation. The proposed development would be used ancillary to, and in connection with no. 20, Norwood Park, Birkby, Huddersfield, HD2 2DU.
Publicity end date	15 th April 2024
Number of representations received	Two
Kirklees Local Plan Allocation/Designation	The site is unallocated on the Kirklees Local Plan however, the site borders Edgerton Conservation Area to the north
Extension to Time (EoT)	Yes EoT Date: 15/07/2024
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 places and beautiful
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment
- NPPF Chapter 16 – Conserving and enhancing the historic 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
- **LP 35** – Historic Environment
- **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	<p>The original plans proposed a two storey outbuilding. However, after visiting the site and assessing the scheme there were concerns regarding the scale and massing of the outbuilding. It was recommended that the outbuilding should be reduced to single storey to make it a subservient addition to the host dwelling and ensure it is ancillary to the dwelling.</p> <p>The agent submitted amended plans with the outbuilding reduced to a single storey. These plans will be assessed in the following report.</p>
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

The application seeks permission for an outbuilding.

The outbuilding will be located to the rear of the property in the rear garden. It will measure 9.6m x 4.8m and will have a height to the eaves of 3m with an overall height of 4.4m. The outbuilding will be constructed from coursed stonework and have a gabled roof both to match the existing house. This will create extra space for a living/bedroom, kitchen and bathroom.

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.6 on page 3 (and listed below) and if they do not, they need to be justified:

Outbuildings should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be subservient in footprint and scale to the original building and its garden taking into	Yes – Due to the site’s large garden area and no other existing extensions or other	

account other extensions and existing outbuildings	outbuildings the proposed outbuilding will be subservient to the original building. In addition the reduction from a two storey outbuilding on the original plans to a single storey means it will not dominate the garden area.	
be set back behind the building line of the original building so that they do not impact on the street scene;	Yes – the outbuilding would be to the rear of the property and would therefore have limited impact on the street scene.	
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	Yes – the new development will leave more than 50% of private amenity space of the property. Leaving an adequate amount of amenity space to the number of occupants of the house.	

Design and Visual Amenity

20 Norwood Park is a two storey, detached dwelling in the area of Birkby, Huddersfield. The site borders Edgerton Conservation Area to the north. The property is constructed from coursed stone and concrete roof tiles with timber windows. The house is located in a cul-de-sac, where surrounding development consists of other large, detached dwellings where the prominent construction material is stone. A number of properties in the immediate area have been altered or extended in some way.

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	<ul style="list-style-type: none"> • KDP1 of the 	Due to the outbuilding	✓

Local character and street scene	SPD <ul style="list-style-type: none"> • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	being proposed to the rear and being approximately 25m from the road there will be limited views from public vantage points. The design of the extension will be in keeping with the host property.	
Impact on the Conservation Area	<ul style="list-style-type: none"> • Policy LP35 • Chapter 16 of the NPPF 	Although the site is not directly within a Conservation Area, it is important to acknowledge its impact to the adjacent Edgerton Conservation Area due to its close proximity. However due to listed buildings being a sufficient distance from the application site, with intervening development and due to the scale and nature of the development which is small in scale and matches the appearance of the existing building, it is considered that there will be no significant impact to the character of the adjacent Conservation Area or its setting.	
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	Subservient due to being a single storey outbuilding and constructed from matching materials.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Due to the size of the garden and the dwelling the outbuilding will not create a significantly negative cumulative impact. The height to the eaves will be 3 meters and the overall height will be 4.4 meters meaning it is proportional to the	✓

		ground storey level of the house.	
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Materials to match – coursed stone and concrete roof tiles.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Gabled roof form constructed from concrete tiles to match the existing dwelling.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	There will be no windows located within the north and south (front and rear) elevations of the outbuilding. The west elevation will incorporate the main entrance to the outbuilding which will be through a single door. also on this elevation there will be one glazed window and one obscurely glazed window. On the east elevation there will be bi-folding doors and a single window. – These are considered acceptable.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Private domestic outbuilding- no alterations to general access arrangements	N/A

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:

22 Norwood Park – Property to the west of the application site. In regard to privacy there will be additional glazing facing in the direction of this property, however due to the extensive boundary treatment of large trees, hedges and a fence along this boundary it is considered that this neighbour's property will not be significantly visible from the outbuilding. With regards to any overbearing or overshadowing impact, here the extensive boundary treatment also plays a role in screening the outbuilding. However, aside from this the large separation distance of 13m to the boundary and 20m to the property at No.22 means that there will be no significant overbearing or overshadowing impact.

18 Norwood Park – property to the east of the application site. Impact to this property will be assessed below.

There are no property's to the front or rear that would be affected by the proposal.

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Due to all windows being located on a ground floor level and an existing ~2m fence along the boundary it is considered that windows in the east elevation of the outbuilding will be suitably screened and will not cause an unacceptable level of overlooking.	✓
Impact on light and outlook of neighbours and impact on overbearing or overshadowing (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Although there were originally concerns on the impact of the two storey outbuilding on this property, with the amended plans showing the outbuilding being single storey in height and the existing presence of screen fencing along the boundary with No.18 it is that there will be no significant impact on loss of light, nor will it	✓

		overbear or overshadow. Furthermore, due to the topography of the area, the outbuilding will be located at a lower ground level than the property at No.18, further lessening any overshadowing to this neighbour.	
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	Acceptable level of remaining garden space	✓

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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The proposed development will not impact the existing access to the site. The front access to the main house will remain unaltered.	N/A
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	There will be no changes to the driveway or car parking arrangements. The application form states that five parking spaces will be retained on site so parking will not be adversely affected.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of 	None shown on plan however sufficient space within site boundary	N/A

	the NPPF		
--	----------	--	--

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
Use of the site	<ul style="list-style-type: none"> Chapter 12 of the NPPF 	The current dwelling falls within C3 use and were it to be the case that more than six unrelated individuals were to reside within the property (including the building the subject of this application) that would constitute a material change of use for which a further application would be required. A condition will be attached to any grant of permission to ensure that the outbuilding would be ancillary to 20 Norwood Park given its use as a separate dwelling would have implications in relation to residential amenity and access and highway safety.	✓
Impact on trees	<ul style="list-style-type: none"> KDP 13 of the SPD Policy LP24 Design (d) (i) (iv) Policy LP33 Trees Chapter 12 of the NPPF 	No protected trees within the application site. There are some mature trees to the east of the application site which may be affected but there is no control over the removal of planting from this private domestic garden.	✓
Impact on ecology	<ul style="list-style-type: none"> KDP 12 of the SPD Policy LP30 Chapter 15 of 	While it is within a bat alert layer, the small scale alteration to the host would not have significant	✓

	the NPPF	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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	Some of the rear garden 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
<ul style="list-style-type: none"> • Parking concerns in a narrow street. • Additional vehicles could reduce access for other residents on the street. • Concerns that it would be out of character and 	With regards to parking, although the application form states five parking spaces, after a site visit it was apparent that the property hosts a large driveway with enough space for at least three modern sized parking spaces. This meets parking space standards for this dwelling. Access to the front will not be changed. This conclusion is on the basis of the use being ancillary to the host property.	✓

<p>would result in over development of the plot.</p>	<p>As discussed in the visual amenity section it is considered that due to matching materials, being single storey in height and being located to the rear, the proposal would not be largely visible from public viewpoints and would be in keeping with the area.</p> <p>An adequate amount of garden amenity space would remain. As such it is considered that this would not result in overdevelopment of the site.</p>	
<ul style="list-style-type: none"> • Parking concerns • Concerns over privacy, notably roof windows. 	<p>With regards to parking, although the application form states five parking spaces, after a site visit it was apparent that the property hosts a large driveway with enough space for at least three modern sized parking spaces. This meets parking space standards for this dwelling. Access to the front will not be changed.</p> <p>With regards to privacy, the roof windows have now been removed from the scheme to reduce overlooking to the neighbouring property.</p>	<p>✓</p>

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: 2024/90431

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 & LP35 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 outbuilding hereby approved shall in all respects match those used in the construction of the existing dwelling and thereafter retained.

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.

4. The development hereby approved shall not be used for any purpose other than as ancillary accommodation in connection with 20, Norwood Park, Birkby, Huddersfield, HD2 2DU.

Reason: In the interests of the amenity of the occupiers of the development hereby approved and neighbouring properties and access and highway safety to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan, the Council's adopted Highway Design Guide and policies contained 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

NOTE: It should be noted that use of the site by more than 6 individuals would constitute a material change of use of the site for which planning permission would be required.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	28/02/2024
Location plan and site plan	PAD.22.185	-	15/02/2024
Proposed floor plans and elevations	PAD.220.186revA	A	12/06/2024
Climate change statement	-	-	28/02/2024
Design and access statement	-	-	15/02/2024

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 considered necessary to seek amendments as concerns were raised over the scale and massing of the two storey outbuilding shown on original plans. The agent submitted amended plans with the outbuilding reduced to a single storey.

Report Dated: 15/07/2024