

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:	2024/62/90450/W
Site Address:	14, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS
Description:	Erection of single storey side and rear extensions
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: 24-Apr-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90450
Location	14, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS
Proposal	Demolition of existing single storey rear extension and erection of single storey side and rear extension.
Publicity end date	29 th March 2024
Number of representations received	Two.
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan
Extension to Time (EoT)	Yes EoT Date: 26/04/2024
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
- 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
- **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	The original submitted scheme raised concerns regarding the large scale of the development on the corner plot. Specifically the massing of the side extension which was shown on plans to be of a lean-to roof design which extended further than the original gable on that elevation. It was recommended that the side extension be significantly reduced so that the roof did not extend further than the original gable on that elevation and that the roof form should be a gable roof to harmonise with the original dwelling. The agent submitted amended plans showing the width of the side extension reduced to 3m and the length by 1.5m so that it is in line with the existing rear wall. In addition, the roof is shown to be a gable to match existing. The rear extension has been increased slightly. These plans will be assessed in the following report.
Parish/Town Council comments sought	No	
Planning History	Yes	2024/90069 – HHPD for the erection of a single storey rear extension – Refused. 2023/93228 - Certificate of lawfulness for proposed erection of single storey side extension and rear dormer – Refused.
Consultations required	No	

Assessment

This application seeks permission for the erection of a single storey side and a single storey rear extension.

The single storey rear extension will project 2.2m from the rear wall of the house and will have a length of 7.2 meters, it will have a flat roof design with an overall height of 2.8m.

The single storey side extension will project 3m from the north facing side elevation and will have a length of 7.4m, being set back from the front elevation by 0.5m. the roof will be of a gable roof design to match that of the existing property. The height to the eaves will be 3m with an overall height of 4.7m.

The extensions will be constructed from brick and render and concrete roof tiles to match that of the host property.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – there is a large garden area to the rear more than half of this will be retained.	
Be set behind the original building, and not projecting beyond the sides	The amended plans show that the rear extension element of the proposal will be behind the original building.	
Maintain external access to the rear garden	Yes – the plans show that external access will be maintained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes, due to being single storey in height will be in keeping with the scale of the original house. The proposed materials of brickwork with render finish for the walls or acceptable.	

	Although it would have a flat roof, replacing an existing catslide, given the siting and scale of the extension, this is considered acceptable.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – the extension will not cover more than half of the total area around the original house.	
not exceed 4 metres in height	Yes – the height of the extension will be 2.8m.	
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	Yes – the property is semi-detached and the projection will be 2.2m from the rear.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A – the extension will not exceed 3m in length.	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – a gap of 1.5m will be retained between the side elevation of the extension and the boundary wall with No.16 Lincroft Avenue.	

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraphs 5.15, 5.16 and 5.17 on page 28 (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	Yes – there are no properties located directly next to the west of the application site where the extension would be located therefore would not impact levels of natural light.	
Positioning windows to minimise or avoid any	Yes- although there is glazing to the front (east)	

potential overlook into neighbouring gardens	elevation and side (north) elevation the closest properties/gardens to these elevations are ~12m away. Furthermore, glazing already exists on these elevations therefore it is considered that the additional glazing will not cause any further significant harm.	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	Yes – the extension will have a limited projection of 3m whereas the width of the original house is 8.6m.	
not exceed a height of 4 metres		No – the maximum height of the extension will be 4.7. However, this is considered acceptable in this isolated case due to the roof form being a gable roof to match that of the existing property which will reduce the visual impact of the extension.
be set back at least 500mm from the original building line to allow for a visual break	Yes – the extension will be set back by 500mm from the original front building line.	

Design and Visual Amenity:

The application site relates to 14 Lincroft Avenue, a single storey semidetached dwelling in the area of Dalton.

The property is constructed from red brick and white render. It is located on a corner plot with Lincroft Avenue and Earles Avenue. Due to the topography of the site the host property sits at a higher land level than its adjacent neighbour No.16. The property benefits from a large garden amenity space at the front

which wraps around the side of the dwelling and to the rear. The surrounding properties on the residential street are of a similar age, style and design. The property, being a corner plot, is assessed against para 5.23 of the SPD which states that side extensions should contribute to local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street,
- Being set back from the existing building line on both streets,
- Following the boundary treatment along both streets, in relation to its position, height and materials.

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

	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	The gable roof form of the side extension creates a visually harmonised effect from the outlook of Lincroft Avenue. It would have windows facing both streets and would not require changes to existing boundary treatment. In addition due to the garden surrounding the property the extensions will be somewhat set back from the road such that it is concluded to have an acceptable impact upon the street scene. Although the development would break the building line along Earles Avenue, there is already a conservatory breaking this on no. 15 and it is solely 'side elevations' fronting this road on	✓

		properties either side of the application site. Given this and the topography of the area, the extension and it's impact would not cause material harm to local character or the street scene.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being single storey and being constructed from matching materials.	✓
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	Both extensions will be single storey in height with the rear extension having a limited height of 2.8m and a projection which is less than that of the extension of the adjoining neighbour. The side extension has a roof form to match the original dwelling which means that in terms of height, scale and massing the extension would be subservient to the original house and the wider street scene.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The walls are proposed to be facing brickwork with render finish and concrete roof tiles to match the existing property for the side extension. Condition recommended to ensure the materials match those of the host property.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	Flat roof design for the rear extension to lessen any overbearing impact. Gable roof design for the side extension to match	✓

	Chapter 12 of the NPPF	that of the original dwelling.	
Window proportions	- 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 one large window on the front (east) elevation and side (north) there will be 3 windows. On the rear (west) elevation plans show there will be large bi folding doors to the rear extension and a single window and door on the side extension. glazing will not cause any further significant harm. There will be a roof lantern in the rear extension and no openings in the side south facing elevation.	✓
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangement. External access to the rear of the property will remain.	✓

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:

- 16 Lincroft Avenue – a single storey, semi-detached property to the east of the application site. Set on a significantly lower ground level and on the same building line. This property hosts a ~4m single storey rear extension. The impact to this property in terms of residential amenity will be assessed below.
- 15 Lincroft Avenue – a single storey, semi-detached property to the northwest of the application site. Although there will be additional glazing facing onto this property it is not considered to cause any further impacts to privacy than the glazing that already exists on the front elevation. In terms of an overshadowing or overbearing impact the separation distance of ~18m and the location of the property over the road means the development will not overshadow these neighbours. Resulting in no significant residential amenity impact.
- 8 Earles Avenue – a two storey, terrace property to the southwest of the application site. Due to this property being situated on a

significantly higher ground level and at a separation distance of ~20m away there will be no significant residential amenity impact to these neighbours.

- 15 & 17 Felcote Avenue – two storey terrace property's to the rear (southeast) of the application site. Again, due to these properties property being situated on a significantly higher ground level and at a separation distance of ~22m away from the proposed extension there will be no significant residential amenity impact to these neighbours.

	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	There will be no openings within the south elevation facing No.16. Therefore the development will not cause significant impact to this neighbours privacy.	✓
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 rear extension will not extend beyond the extension at No.16 therefore will not be significantly overbearing. Although No 14 is set on a higher ground level, due to the orientation of the houses and the limited projection of the extension there will only be minimal shading to the garden of No.16 in the late afternoon, this is not considered reason for refusal.	✓
Remaining garden space of application property	• 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	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal does not propose any additional bedrooms and adequate parking space remains on site.	✓
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 site boundary.	✓

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)	N/A	N/A

	(iv) Policy LP33 Trees Chapter 12 of the NPPF		
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - 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 - 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 which states that materials will be sourced locally.	✓
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	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
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		✓ / X / N/A
Question surrounding a dormer not being included in the planning application	This application is for a single storey rear and single storey side extension. Although a dormer on the property is noted this was undertaken under 'permitted development'. Therefore is not included within this application.	✓
Question surrounding getting planning permission before starting works	As noted on site works had been started to construct the rear dormer however a single storey rear nor single storey side extension had been constructed.	✓

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: 2024/90450

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, Key Design 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. Notwithstanding the plans submitted the external walls of the extensions and roofing materials of the side 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, 9 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: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
Climate change statement	-	-	21/02/2024
Application form	-	-	21/02/2024
Site plan	100047474	-	21/02/2024
Proposed side elevations	2023/434/03	2	09/04/2024
Proposed front and rear elevations	2023/434/02	2	09/04/2024
Proposed floor plan	2023/434/04	2	09/04/2024
Existing floor and elevation plan (not proposed site plan)	2023/434/01	-	21/02/2024
Location plan	100047474	-	21/02/2024

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 any amended plans to the original submission to acquire a more sympathetic roof

form to the side extension and reduce the scale and massing of the development.

Report Dated:

23/04/2024