

**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:	2024/62/90507/W
Site Address:	8, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX
Description:	Erection of two storey side extension, submerged garden room and part change of use of land to extend domestic garden
Recommending Officer:	Lucy Taylor

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: 16th April 2024

Officer Report.

Reference: 2024/90507

Location: 8, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX

Proposal: Erection of two storey side extension, submerged garden room and part change of use of land to extend domestic garden

Site Description.

8 Meadow Lane is a two-storey semi-detached property located in Slaithwaite, Huddersfield. The property is faced in stone, with a gable roof above, infilled with concrete tiles. Within the wider curtilage, the property benefits from on-site parking amenity space to the front and garden amenity space to the side and rear.

Within the wider vicinity, there is a strong sense of similarity established, with the properties around No. 8 constructed as part of the same housing development scheme.

Description of Proposal.

Planning permission is sought for the erection of two-storey side extension, a submerged garden room and part change of use of land to extend domestic garden.

The two-storey side extension would have the following dimensions:

- Projection / width – 4.4 metres
- Length – 7 metres
- Eaves height – 4.85 metres
- Ridge height – 7.15 metres

The exterior walls of the side extension are to be faced in stone and the gable roof above infilled with concrete tiles. Solar panels are to be installed on the front and rear roof planes of the extension.

The submerged garden room is to be sited within the outdoor amenity space to the northern side of the dwellinghouse. It will have a width of 6.7 metres, a length of 3.7 metres and a height of 2.4 metres. The front elevation will be a drystone wall and soil would be mounted over the garden room.

The Design and Access statement sets out that the size of land purchased is approximately 310m², most of which would remain as naturally vegetated and only that adjacent to the dwelling would be used as domestic garden. There would be an area of natural stone flags serving as a patio and will incorporate planting to soften the area.

History of Negotiations / Amendments Received.

None.

Relevant Planning History.

2001/91968 – Erection of 9 dwellings – Approved 19th June 2002

Representations.

The application has been publicised with neighbour notification letters.

Final publicity date expired: 11th April 2024.

No representations were received.

Consultation Responses.

KC Ecology - No objection to these proposals, subject to the incorporation of a condition upon any forthcoming consent to ensure that section 6.2 of the Ecological Walkover Survey report be strictly adhered to.

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within the River Colne Corridor Strategic Green Infrastructure Network.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)
- House Extensions and Alterations SPD - The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning

and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

National policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Conclusion

1) Principle of Development and Green Belt

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-
- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*
- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 5.2 of the House Extensions and Alterations SPD provides specific guidance on two-storey side extensions, setting out that they should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back 500mm from the front wall of the house.

It is considered that the proposed two-storey side extension to 8 Meadow Lane would be subservient in size, scale and design. It would be set back from the principal elevation of the host dwelling and set in from the rear elevation of the host dwelling. In addition, the two-storey side extension would be set down from the roof pitch of the host dwelling and would maintain a significant extent of outdoor amenity space to the side of the dwellinghouse.

Paragraph 5.6 of the House Extensions and Alterations SPD provides specific guidance on outbuildings, stating that they should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- 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.

The outbuilding would be submerged, set within the garden amenity space of 8 Meadow Lane and therefore, behind the building line of the dwellinghouse. The size, design and siting of the proposed outbuilding would result in it appearing as subservient in footprint and scale to the original building and its garden. The submerged design of the outbuilding with soil to be mounted over the garden room would result in its mitigated visibility from the wider area, including from the highway of Meal Hill Lane. An appropriate extent of outdoor amenity space would be preserved.

The submitted Design and Access statement sets out that the size of land purchased is approximately 310m², most of which would remain as naturally vegetated and only that adjacent to the dwelling would be used as domestic garden. There would be an area of natural stone flags serving as a patio and will incorporate planting to soften the area. Given that the land to become domestic garden would be designed as such, it is considered that it would appropriately harmonise with the residential area in which the site is situated whilst retaining an appropriate sense of openness and a natural appearance to the land, retaining that transitional relationship between the host property and the open countryside to the north of the site.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the host dwelling or wider locality. The proposed development is therefore considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the

Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: “...maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Whilst the proposal would see changes to the existing garden amenity space at 8 Meadow Lane the proposal would result in an appropriate amount of garden space in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these are assessed in turn below:

No. 6 Meadow Lane:

This property adjoins the application site to the south.

The two-storey extension is to be erected to the northern side of the host dwelling, to be confined behind the existing built form of the existing dwellinghouse. Therefore, it is not considered that it’s erection would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 6 Meadow Lane. The relationship between No. 6 and No. 8 Meadow Lane would remain as existing with regard to residential privacy, with no glazing proposed to face towards this neighbouring property as a result of the proposed extension.

The garden room would be separated from the shared boundary with No. 6 by approximately 16 metres. Therefore, given this separation in conjunction with its size, scale and submerged design, it is not considered that it would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 6 Meadow Lane. In addition, given its separation from the shared boundary and location within the garden of No. 8 Meadow Lane, it is not considered that the glazed doors proposed to the garden room would disrupt the existing relationship between these two neighbouring properties with regard to residential privacy.

No. 10 Meadow Lane:

This property is located to the west of the application site.

The proposed extension is to retain a separation distance of approximately 8.5 metres from the dwellinghouse of No. 10 Meadow Lane, where there are no side openings in the elevation of this neighbouring property adjacent to No. 8 Meadow Lane and no glazing proposed at first floor level to the principal elevation of the side extension. Therefore, it is considered that there would be no direct overbearing, overshadowing or overlooking towards No. 10 Meadow Lane.

In addition, whilst the extension would sit adjacent to part to part of the outdoor amenity space which serves No. 10, their outdoor amenity space is located on a higher level due to the changes in topography and therefore, any overshadowing from the side extension would be minimal. Desktop sunlight calculator software has been used to determine that overshadowing would be limited to before 11am in the summer.

Given the size, scale and submerged design of the garden room, it is not considered that it would result in any undue impacts of overbearing, overshadowing or overlooking for the occupiers of No. 10 Meadow Lane.

With regard to the proposed change of use of land, whilst the new area of extended domestic garden would adjoin the boundary with No. 10 Meadow Lane, the patio area would remain set down to a lower topographical land level than the garden of No. 10 Meadow Lane and the part of the garden to a higher level would be surfaced in naturally managed vegetation, as set out within the submitted ecology report.

Therefore, given the proposed design of the extended domestic garden at No. 8 Meadow Lane, it is not considered that the change of use would result in any significant undue impacts to the neighbouring privacy of the occupiers of No. 10 Meadow Lane with regard to their neighbouring garden amenity space. This is predominantly because the patio area would be significantly set down and the land to a higher level would be surfaced in naturally managed vegetation.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed development at 8 Meadow Lane is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The submitted floor plans demonstrate that the property of 8 Meadow Lane would accommodate four bedrooms internally following the erection of the proposed side extension. The submitted 'proposed site plan' within drawing No. P 03, shows that there is existing on-site parking for 3 cars, which would be unaffected by the proposed works. Guidance sets out that 4+ bedroom dwellings should provide 3 off-street parking space and therefore, the scheme is considered to be in accordance with this guidance.

Officers also note that the proposal would not alter existing vehicle access to or from the property in conjunction with the adjoining highway.

In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

As part of this planning application, a Climate Change Statement was submitted which sets out various mitigation measures and the submitted plans show the installation of solar panels to the roof of the extension. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

An Ecological Walkover Survey report has been submitted with the application. The report details that the site is of minimal ecological value, with common and widespread habitats present along with limited opportunities for protected species.

The recommendations outlined in Section 6.2 of the submitted report are considered to be sufficient to ensure that areas of grassland will be incorporated into the proposed development and that provisions for faunal groups remain, post development.

Upon formal consultation with KC Ecology, the Ecology Officer concluded that there were no objections to the proposals, subject to the incorporation of a condition upon any grant of approval, to ensure that Section 6.2 of the Ecological Walkover Survey be strictly adhered to.

It is considered that, subject to inclusion of conditions requiring the undertaking of the mitigation measures recommended in the submitted survey, and that the area of land which is shown dotted and identified on drawing P03 is to remain as grassland rather than garden space, the impact of the proposal upon wildlife would not be significant.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The submitted application form and plans show that the existing oak tree at the site would be retained. In addition, the submitted plans show the incorporation of several features to enhance the ecological value of the site, including hedgerows and naturally managed areas of vegetation.

Therefore, the proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

Land Stability:

The proposed works at 8 Meadow Lane would require significant engineering operations to create a sunken garden room.

Officers advise the applicant that, if land stability is an issue as part of the proposed development, developers/landowners should seek the appropriate technical and environmental expert advice to assess the likely consequences of the proposed developments on the site where subsidence, landslides and ground compression is either known or suspected.

Where a site is affected by contamination or land stability issues, Officers emphasise that responsibility for securing a safe development rests with the development and/or landowner.

Upon any grant of approval, an informative note will be included within the decision notice referring to land stability. With the inclusion of the informative note, it is considered that the scheme would appropriately comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6) 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: Approve
Decision Authorisation – Delegated Powers
Application Number: 2024/90507
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP31, LP51 & LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 12, 14 & 15 of the National Planning Policy Framework.
3. The external walls 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 thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.
4. The hereby approved submerged garden room shall be constructed as drawn and annotated on submitted drawing No. P 03. The proposed front elevation with garden room entrance shall be a dry stone wall to match the appearance of existing stone boundary treatments at the site, with the other elevations and roof to be soil mounded and vegetated to blend with existing. The development shall not be brought into use until completion with the materials of construction approved by this condition which shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.
5. The mitigation measures set out in paragraphs 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5 & 6.2.6 of the submitted Ecological Walkover Survey document (ref: MBE/ECO/2022/025/02) including the incorporation of areas of grassland and provisions for faunal groups shall be completed prior to the development being brought into use and retained thereafter.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan, Principle 12 of the House Extensions and Alterations SPD and policies within Chapter 15 of the National Planning Policy Framework.

6. Other than the area of land which accommodates the submerged Garden room, the extent of the change of use of land to residential garden land hereby approved does not include the area hatched with dots and annotated 'to be natural managed vegetation' upon submitted drawing P03.

Reason: For the avoidance of doubt as to what is being permitted and in the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan, Principle 12 of the House Extensions and Alterations SPD and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: Land Stability

Please be advised that if land stability is an issue, developers/landowners should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. This includes for the demolition of the building. Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Existing Layouts and Elevations	P 01	-	26.02.24
Proposed Layouts and Elevations	P 02	-	26.02.24
Proposed Site Plan and Cross Sections	P 03	-	26.02.24
Design and Access Statement	-	-	26.02.24
Climate Change Statement	-	-	26.02.24
Ecological Walkover Survey by Middleton Bell Ecology	MBE/ECO/2022/025/02	-	26.02.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

16.04.24