

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:	2024/62/90553/W
Site Address:	2, Hillside View, Linthwaite, Huddersfield, HD7 5SZ
Description:	Demolition of existing conservatory and outbuilding and erection of replacement two storey extension
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: 01-May-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90553
Location	2, Hillside View, Linthwaite, Huddersfield, HD7 5SZ
Proposal	Demolition of existing conservatory and outbuilding and erection of replacement two storey extension and single storey side extension.
Publicity end date	16 th April 2024
Number of representations received	None. – The proposal was not advertised as affecting the setting of a Conservation Area. Whilst adjacent to the Conservation Area, the nature of the proposal was not considered to affect its setting.
Kirklees Local Plan Allocation/Designation	Unallocated on the Kirklees Local Plan. However the site is located adjacent to Linthwaite Conservation Area.
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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 30** – Biodiversity
- **LP 33** – Trees
- **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	No	

Parish/Town Council comments sought	No	
Planning History	Yes	2012/91915 - Demolition of existing shed and erection of single garage – Conditional Full Permission.
Consultations required	No	

Assessment

The application seeks permission for the demolition of existing conservatory and outbuilding and erection of replacement two storey extension and single storey side extension.

The two storey rear extension will project 3.6m from the rear of the original dwelling. It will have a width of 3.7m and will align with rear elevation of the original dining room. It will have a height to the eaves of 5m matching the eaves height of the original house. The overall height will be 6m and the extension will have a gable roof form. This will make extra space for a family room on the ground floor and a bigger bedroom and ensuite on the first floor.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified:

Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Yes - Due to additional amenity space to the north of the property, sufficient outdoor amenity space would be retained.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Yes - The proposed extension would not exceed 50% of the total area of the land around the original house – the previous extension and outbuilding are to be	

	demolished as part of the proposal	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	Yes - The house is detached and the extension would project 3.6m from the rear.	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary	Yes - The height at the eaves will exceed 3m however the two storey element of the proposal extension will not be within 1.5m of the property boundary.	
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre	Yes - The extension will be 1.5m from the property boundary at the closest point.	
not adversely affect habitable room windows where they adjoin a neighbour's boundary	Yes - There will be no windows within the side elevation that faces on to No. 4 . In addition there are no habitable windows in the side elevation of No. 4 which faces onto the proposed extension.	

A single storey side extension forms part of the development, and therefore will also be assessed in relation to this.

The side extension element will project from the side elevation of the proposed family room by 2.25m and will have a width of 3.5m. The extension will have a height to the eaves of 2.4m with an overall height of 3.5m. This element of the proposal will have a lean to roof and will create space for a utility room.

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	Yes – The extension would not be built up to the boundary of No.4	

the habitable rooms in neighbouring properties	limiting the impacts. The 1m gap will allow for reasonable levels of natural light to the side elevation and garden of No.4.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes- there are no openings within south side elevation, which is the only elevation which faces directly onto a neighbouring property in close proximity. The next closest house is 24m away and is screened by the applicant property.	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	Yes – the extension will not extend more than two thirds of the width of the original house.	
not exceed a height of 4 metres	Yes – height of 3.5 meters.	
be set back at least 500mm from the original building line to allow for a visual break	Yes – set back behind the original building line by 10m.	

Design and Visual Amenity:

The site is located on a corner plot where the front, east elevation faces onto Hillside View and the north, side elevation faces onto Causeway Side. The existing property is a two storey detached dwelling constructed from stone. The surrounding area is residential with dwellings of a similar ages and style.

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
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Impact on the Local character and street scene (including location on a corner plot)	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Limited projection of 3.6m in relation to the original house. Design of the extension will be in keeping with the host property. Paragraph 5.23 of the SPD relates specifically to corner plots and states that both elevations should be designed as street frontages and contribute to the local character. In this case the proposed two storey rear extension is set to the rear of Hillside View so will have limited views from public vantage points on this road with regard to the single storey rear extension, this will be set back by 10m from the front elevation of the property so will have no significant impact on the character of Hillside View. With regards to the side north elevation facing onto Causeway side, both the single storey element and the single storey extension will be screened by the host property so will not be visible from this street.	✓
Impact on the adjacent Conservation Area	• Policy LP35 • Chapter 16 of the NPPF	Although the site is not located within a Conservation Area, Linthwaite Conservation Area is located to the north and west of the site. The Conservation Area comprises many of the	

		remaining mill buildings, workers cottages and weavers' cottages from the 18th & 19th Centuries. Due to all listed buildings being a sufficient distance from the application site, with intervening development and due to the scale and nature of the development to an existing dwelling which is not of a historic character, as well as the siting of the proposed extension, it is considered that there will be no significant impact to the character of the Conservation Area or its setting.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient in size and scale, due to the two storey rear extension aligning with the rear elevation of the remaining original property. The design of the extension is in keeping with that of the host property as it will use 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	The size/scale of the extension is considered to be proportionate to the host property, due to it having a matching eaves height and only extending to the side at single storey level.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Matching materials – stone and render for the external walls and matching roof tiles to that of the original property, white PVC windows & doors.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Gable roof to reduce visual amenity impact.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	No windows within the north side elevation facing Causeway Side. No openings except two rooflights on the single storey side extension on the south side elevation. There will be a single door on the west elevation to enter the utility. On the rear west elevation there will be bifolding doors on the ground floor and a three panel window on the first floor.	✓
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 arrangements.	✓

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:

- 4 Hillside View – two storey detached property to the south of the application site. Due to the topography of the site this property is set on a higher ground level than the applicant's property. The impact on this property will be assessed below.
- There are no other properties located within 20m to the north, east or west of the site and therefore will not be affected in terms of overlooking or have an overbearing impact

	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	Due to the extension facing onto an elevation at No.4 that has only one, obscurely glazed, non-habitable window that likely serves a bathroom it is considered that privacy will not be significantly impacted. Furthermore, there are no windows in the side elevation walls that face onto this property further lessening the impact.	✓
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	Due to No.4 being set on a higher ground level and having a large two storey black elevation that will match that of the extension it is considered that this property will not be overshadowed nor will it have a overbearing effect.	✓
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 located to the north of the site.	✓

Whilst it is noted that the proposal would develop a part of the site which has an area of private amenity space, weight is afforded the fact other areas of the site accommodate private amenity space and as such the impact of the development upon amenity space provision is not considered to be significant in this case.

It is noted windows serving habitable rooms are proposed to the rear elevation, this is an established situation with other neighbouring properties to the south having habitable room windows within their rear elevation. Whilst these would face trees which are within the Conservation Area, these fall outside the applicant's control and there is other controls in place to protect these mature trees and any pressure for pruning. Furthermore, in this case, it

is considered the distance of these openings from these trees would be such that refusal on the basis of the level of light provision to the rear openings of the proposal and resultant impact upon future occupiers of the development could not be substantiated in this case.

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	No additional bedrooms are proposed therefore there remains sufficient parking onsite.	✓
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
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Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	As set out in the 'Residential Amenity' section of this report. Mature trees are located to the rear (west) of the site, which are outside of the applicants control, under separate ownership and are within the Conservation Area, thus benefitting from additional protection. As such it is considered that the impact upon trees would not be significant in this case, with controls in place in relation to future pressures for pruning. It is considered in this case such pressure is unlikely to be significant given the orientation of the site, and distance of the dwelling from these trees, as well as the fact this is a largely existing relationship.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	While the site is within a bat alert layer, the small scale alteration to the host is not considered to have significant impacts to roosting potential. This is taking account of the relatively modern construction of the existing roof and the limited impact of the development upon the majority of the existing roof. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note	✓

		upon and grant of pemrisison which alerts 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 The Applicant will engage with local contractors in the construction of the extension, who will use local builders merchants in the procurement of materials for the construction.	✓
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 NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
None		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: 2024/9053

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 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
Climate change statement	-	-	
Heritage statement	-	-	
Proposed site/block layout	4156-03-03	-	
Location plan	4156-02-02		
Proposed grouped plans and elevations	4156-03-02c	-	
Existing grouped plans and elevations	4156-03-01a	-	
Application form	-	-	

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 30/04/2024