

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:	2024/62/90834/W
Site Address:	47, Thorpe Green Drive, Golcar, Huddersfield, HD7 4QS
Description:	Erection of two storey side and single storey rear 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: 12-Aug-2024

Officer Report

Site Description

47 Thorpe Green Drive is a two storey, semi-detached dwelling located in Golcar, Huddersfield.

The property is constructed from brickwork with a grey tiled hipped roof. The site benefits from garden amenity space to the front with a driveway running from the front of the house down the side reaching the rear garden. The rear garden comprises of a hard standing area on which a conservatory extension and a detached shed is located and a soft landscaped area further to the rear of the site. Due to the topography of the site this soft landscaped area is set on a higher ground level to the hardstanding and is accessed via two steps.

The surrounding area is predominantly residential characterised by semi-detached, brick built dwellings, many of which have been extended or altered in some form.

Description of Proposal

The application is for the erection of a two storey side and single storey rear extension.

Two storey side extension

The proposed extension would be flush with the front elevation of the dwelling and would project to the side by 2.7. The extension would span the full depth of the original property by 7.378m and have an eaves and ridge height to match the host dwelling. This would create space for an additional bedroom on the first floor and a playroom/reception and office/utility on the ground floor.

Single storey rear extension

The applicant is seeking permission for a rear extension that would project 3m from the rear elevation and have a width of 8.879m. The eaves height would be 2.2m with an overall height of 3.4m, with a lean-to roof design. This will create space for an open plan kitchen/dining room.

History of negotiations/amendments received

It was suggested that consideration should be given to setting back the extension from the front elevation of the original dwelling in order to comply with the SPD. The applicant was also informed of the SPD's 'comply or justify' policy whereby if a scheme departs from the SPD there is an option to justify it.

Additional plans were also submitted to show proposed off road parking.

The applicant chose to provide justification for the scheme which will be explored in the following report.

Relevant Planning History

No relevant planning history

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 11th June 2024 – no representations received

Consultation Responses

None required.

Policy

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).

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property and to ensure good design Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the House Extensions and Alterations SPD are considered.

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”

- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front, side and rear extensions, the SPD states:

Two storey side extensions

Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. Section 5.20 states two-storey side extensions 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 at least 500mm from the front wall of the house.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The above listed policies and guidance within the SPD are taken into account within sections below of this report. On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The two storey side extension would not be set back by 0.5m nor maintain a gap of 1 metre between the side wall of the side extension and the shared boundary as required by the SPD. However, the design would result in the side extension having a ridge line to match the existing and would lie in flush with the front elevation creating a visually harmonious appearance. Furthermore, as the applicant pointed out in justification of the scheme a number of properties within the immediate area have a similarly designed extensions incorporating two storey side extensions with flush roof lines and front elevations. Most noticeably No.55 and No.59 where the two storey side extension is also built up to the site boundary. As such, the extension would be in keeping with other extensions already constructed in terms of design and would respect the character and appearance of the area.

It is therefore considered that this element of the scheme is acceptable and would visually harmonise with the host dwelling and surrounding area. Whilst the proposed side extension does not strictly comply with the requirements of the SPD, due to its similarity to other property's within the surrounding area, the proposed works, in this isolated case, are considered acceptable within the remit of Key Design Principles 1 and 2 of the SPD.

In terms of the proposed single storey rear extension, this would have a total projection of 3 metres which would be built up to the shared boundary with the attached neighbouring property, No. 49. The proposed single storey rear extension would be in keeping with the scale and size of the original house; would not cover more than half the total area around the house; would not exceed more than 4 metres in height and; would not have an eaves height of more than 2.5m. In this respect, the extension complies with paragraph 5.6 of the SPD. It does not comply with the section of the document that states that a gap of at least 1 metre should be retained from a property boundary. However, due to the two storey side extension being built up to the boundary with No.49 this addition would not cause any further harm. With regard to the single storey rear extension being built up to the boundary with No.45, due to the existing conservatory already being built up to the boundary it is considered that the additional 1m projection would not cause substantial additional harm. In this instance, Officers consider this to be acceptable.

The proposed construction materials for both elements of the proposals would be brickwork for the walls and grey tiles for the roof with Upscale double glazed units for the openings. As such, these would comply with Key Design Principles 1, 2 and 9 of the SPD. A condition to ensure the wall and roof material match is recommended.

In terms of Key Design Principle 7 of the SPD in relation to outdoor space. Due to the size of the modest curtilage of the property, especially to the rear in addition to the removal of the detached garage, it is not considered that this would be significantly compromised as a result of the works.

It is therefore considered that the works relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to Key Principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan, and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

The neighbours that could be affected by the proposal are No.'s 46 and 50 Kennedy Avenue which are the attached and adjacent properties. Impact to these properties will be assessed individually.

Impact to No.49 Thorpe Green Drive. Property to the west of the application site.

In terms of the impact on No. 49, this property is located on a higher ground level than the application property and is set significantly back from No.47. Due to this there will be less overbearing impact from the development along the boundary. In addition due to the orientation of the properties, with the application site being almost directly east of No.49 there will be some shading to this property within the very early hours of summer months however this is not considered reason for refusal. Therefore, it is not considered that the proposal would result in any significant undue impact from overshadowing or by being overbearing.

The closest openings in the neighbouring property are a door on the ground floor and what appears to be a hallway window on the first floor. There is a single storey rear extension but this is set away from the common boundary and has no openings within the elevation facing onto the host property. No openings are proposed within the side elevation facing this neighbour and therefore there are minimal concerns.

Impact to No.45 Thorpe Green Drive. Adjoined property to the east of the application site.

This property is located away from the side of the property where the side extensions and alterations would be located. This would prevent an undue overshadowing or overlooking effect from occurring as a result of the two-storey side element. With regard to the single storey rear extension, it should be noted that there is an existing conservatory which has a rear projection of 2m along the boundary with this property. It is considered that the proposed extension would not cause any further significant harm due to it only projecting 1m further than what is existing. Furthermore, due to no windows being proposed in the side elevation facing this property this will increase privacy to these neighbours as the existing conservatory has a considerable amount of glazing.

With regard to the properties facing the site, the side extension would lie flush with the front elevation of the existing property and in any case large separation distances will be retained.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within Chapter 12 of the National Planning Policy Framework.

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.

In this case the applicant was contacted to ensure that there was sufficient off-street parking available on site for the additional bedroom. The extensions would result in a 3 bedroom property. As such the SPD requires 3 off-street parking spaces to be provided. Plans were submitted which showed three off street parking spaces within the front garden. These shall be conditioned to be permeably surfaced in accordance with KDP 14 of the SPD and to provide sufficient parking in accordance with KDP 15.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

Subject to condition the proposal is considered acceptable having regard to the aforementioned policy.

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 pre-dates 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/SPDs to embed the climate change agenda.

Whilst a Climate Change Statement has been submitted, due to the limited nature of the development which is proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6 – Representations:

None

7 – 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: 2024/90834

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 and Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document.

3. The external walls and roofing materials of the extensions 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing

of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or reenacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted/listed plans for the lifetime of the development.

Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan, Key Design Principles 14 and 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	20/03/2024
Climate change statement	-	-	26/04/2024
Location plan	PP-12489225v1		26/04/2024
Existing and proposed plans (parking arrangements and fully annotated)	MN-TGD-001	B	05/08/2024

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.

The Case Officer requested confirmation of parking arrangements on site and suggested that consideration should be given to setting back the extension from the front elevation of the original dwelling in order to comply with the SPD. The applicant chose to provide justification for the scheme in line with the SPD's 'comply or justify' policy and submitted plans showing parking arrangements.

Report Dated: 05/08/2024