

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:	2024/62/90890/W
Site Address:	35, Fixby Road, Fixby, Huddersfield, HD2 2JG
Description:	Extension of existing balconies
Recommending Officer:	Molly Storer

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 10-Jun-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/90890
Location	35, Fixby Road, Fixby, Huddersfield, HD2 2JG
Proposal	Extension of existing balconies
Publicity end date	30 th May 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated on the Kirklees Local Plan.
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

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	No	
Parish/Town Council comments sought	No	
Planning History	Yes	2005/92260 – Erection of two storey extension and formation of new drive and access. Conditional Full Permission.

		2008/93070 - Erection of single storey lean-to extension to rear. Conditional Full Permission. 2017/90419 - Demolition of existing balcony and erection of two rear balconies and installation of Juliette balcony. Conditional Full Permission.
Consultations required	No	

Assessment

The application seeks permission to infill the balconies to the rear of the property which were approved under application number 2017/90419.

The overall balcony area will project 3.25m from the rear of the kitchen area and 1.65m from the rear of the dining/lounge area. The full width of the new balcony will be 15m and will be set 3.1m above the garden level with a glass balustrade measuring 1.1m.

The Kirklees SPD sets out that dormer extensions should comply with certain parameters set out at paragraph 5.4 on pages 31 and 32 (and listed below) and if they do not, they need to be justified:

Balconies and roof terraces should be:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens	Yes – the existing balconies already cause some level of overlooking to neighbouring properties, due to the balcony section on the east elevation proposed to protrude further out by 1.5m and the balcony on the west elevation proposed to extend further towards No.33. In the event that planning permission is approved, a condition is recommended requiring a privacy screen on both ends of the	

	balcony to reduce overlooking.	
Sited away from locations that are sensitive to additional noise levels or disruption	Yes – the balcony will be located to the rear of the property and will face onto an area of wooded land.	

Design and Visual Amenity

Summary of local street scene/character:

The application site refers to 35 Fixby Road a split level property in the area of Fixby, Huddersfield. The property benefits from a driveway to the front and a predominantly hard surfaced rear garden which is accessed via steps down. The property also backs onto an area of dense woodland. The main construction materials are stone with concrete tiles and extensive glazing to the rear. Surrounding development is residential with similar split level properties on the side of the road which the dwelling is located.

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

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Positioned to the rear, the proposal would be screened by the host and not easily visible from the highway ensuring a low impact development.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	There would be a simple glazed balustrade to the balcony ensuring an open and permeable design with minimal impact on the original rear elevation. In addition, the infilling of the existing balconies will create a visually coherent design that will	

		not be out of character with the original house.	
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 height of the balcony will match that of the existing balcony and therefore will be of little visual impact. The scale and massing will also be limited due to the glass balustrade creating a permeable design.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The balcony will be constructed of decking with stainless steel posts and glass to match that of the existing balconies.	
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	

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:

- *No. 33 Fixby Road – property to the east of the application site.*
- *No.37 Fixby Road – property to the west of the application site.*

	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	In regard to No.33, this property will have a separation distance of ~7m to the proposed extended balcony. However, it is acknowledged that some level of overlooking could	

		occur to both No.33 and No.37. Therefore, in the event that planning permission is approved, a condition is recommended requiring a privacy screen to both sides of the balcony.	
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 the orientation of the properties, the garden of No.37 may experience some limited shadowing in the late evening of the summer months. However, due to the permeable design and the balconies which already exist on the site it is considered that the infilling of the balconies will not create any significant further overshadowing or overbearing impact nor will a significant level of light be lost.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Rear garden would still have a proportionate and useable private rear amenity 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	This would not alter the existing arrangement by increasing occupancy	

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	levels and subsequently demand for parking.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	

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) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As such, no special	✓

	Chapter 14 of the NPPF	measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	
Drainage and Flood Risk	- 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	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: 2024/90890

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.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the plans submitted, the balcony shall not be brought into use until a 1.8 metre obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) to a height of 1.8m high has been constructed to the western and eastern elevation of the balcony. The obscure glazed screen shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Blackwells mapping services 1:1250	-	09/04/2024
Block plan	24/28	-	15/04/2024
Proposed and existing grouped plans and elevations	24/28/A	-	09/04/2024

Plan Type	Reference	Version	Date Received
Climate change statement	-	-	09/04/2024
Application form	-	-	11/04/2024

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 not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 06/06/2024