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:	**2024/62/90892/W**
Site Address:	8, Oakdean, Fixby, Huddersfield, HD2 2FA
Description:	Erection of single storey wrap around extension to side and rear, and change flat roof to pitched roof to front
Recommending Officer:	Joanna Rednall

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: 04-Jun-2024

The Site

8, Oakdean is a two-storey detached dwelling located in Fixby, Huddersfield. The exterior walls are constructed from stone with a gable roof infilled with concrete tiles. The property benefits from a driveway to the front and side with a lawned garden to the rear.

The application site is situated within a wider residential area where surrounding properties share similar design and architectural features. The majority of properties are two-storeys in height, detached with an integral garage.

The Proposal

The applicant is seeking planning permission for erection of single storey wrap around extension to side and rear and change flat roof to pitched roof to front.

The measurements of the wraparound extension are as follows:

- ~13.2 metres in length
- ~2.5 metre width from side elevation
- ~10.7 metre width across rear elevation
- ~3 metre rear projection from existing rear elevation

The eave height would be ~2.2 metres with a total height of ~3.2 metres to the ridge of the lean-to roof.

The rear extension would serve as an extended living and kitchen area, with the wrap around side extension serving as a utility room, a bathroom and a study room. The extensions would be constructed from stone to match the host. The extensions would have a lean to roof against the side and rear elevations of the host dwelling. The roof design above the single storey front outrigger would be pitched, which would tie into the lean-to roof above the wraparound extension.

The extension would be set ~0.3 metres away from the shared boundary with No. 10, Oakdean.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 20th May.
1 letter (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letter of objection

- Proximity of the extension to shared boundary.
- The side extension would interrupt the spacing and rhythm between neighbouring properties.
- Overlooking from side windows.
- The proposal should be sited 1m from the side boundary
- The proposal would have a large footprint and incorporates a previously converted garage as part of the development
- Little discussion with neighbours undertaken prior to submission of the application.
- The overall massing and volume of the extension is disproportionate to the existing dwelling.
- Not clear how drainage would be incorporated
- High level openings could increase potential noise / disturbance
- Maintenance and incorporation of flues, drainage pipework and access to maintain have not been detailed
- Vents from boiler and shower room directly facing garden path.

- The plans do not show details for drainage, foundations, excavations or building work.
- Devaluation of neighbouring property.
- The proposal does not appear to be compliant with the Council's adopted SPD.
- The party wall act 1996 is applicable but has not been mentioned as part of the application

Consultations

None.

Allocation & Policies

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 site is unallocated within the plan, although does fall within an area with a known presence of bats, and an area at low risk of ground movement as a result of former mining activity.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity

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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2	– Achieving sustainable development
Chapter 9	– Promoting sustainable transport
Chapter 12	– Achieving well-designed and beautiful places
Chapter 14	– Meeting the challenge of climate change, flooding and coastal change
Chapter16	– Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
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 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 case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 relates specially to single storey rear extensions and provides the following guidance:

5.6 Single storey extensions 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 proposed single storey extension would be constructed from stone to match the host dwelling, thus matching in appearance and keeping similar characteristics as the existing site. The dwelling is detached and the rear element of the extension projects 3 metres and would not exceed 4 metres in height, thus being compliant with the reccommendations for this type of dwelling. The proposed works would not cover more than half the total area around the original house.

The extension would be ~0.9 metres away from the shared neighbouring boundary with no.6, Oakdean. Although against SPD guidelines, it is considered there would be no visual design benefit in setting the extension in by a whole metre and it would be unreasonable of the LPA to request such an amendment in this case.

This conclusion is made in light of the fact there is a realistic fall back position that the majority of the development could be undertaken under pd rights as set out in Class A of Part 1 of the General Permitted Development Order 2015 (as amended). As such a single storey development up to the boundary could be undertaken in any event, similarly a 4m extension from the rear of the property could also be undertaken. It is noted a flat roof protrusion from the front of the host property forms part of the original dwelling.

Section 5.17 of the SPD provides guidance for single storey side extensions, which will be used to assess the wrap around extension.

5.17 Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

- *not extend more than two thirds of the width of the original house*
- *not exceed a height of 4 metres; and*
- *be set back at least 500mm from the original building line to allow for a visual break.*

The side extension would match the rear extension and host dwelling in terms of materials used, being constructed from stone. The extension would not exceed a height of 4 metres. The roof above the side extension is lean-to in

design and would tie in with the proposed lean-to above the front single storey outrigger.

The side extension element of the wraparound would not be set back 500mm from the original building line. In this case, the dwelling is set well back from the highway, and the extension would lie flush with the front elevation of the host property. As set out previously, weight is afforded the realistic pd fall back which exists in this case.

The extension would be ~0.3 metres away from the shared boundary with No. 10. Although not 1m as recommended in the SPD, it is concluded that the extensions relation to the side boundary would not result in a significant negative visual impact in relation to neighbouring dwellings and the setting of the cul-de-sac. In addition, weight is awarded to the realistic permitted development fallback element of the proposal could be achieved through PD should the rear extension not be included. Finally, weight is afforded the visual benefit of the flat roof feature to the front of the host property being incorporated as part of the roof, which is considered to improve the roof design such that this part of the host property would be more in keeping.

It is therefore considered that in terms of visual amenity, sufficient justification exists such that it can be concluded the proposed development would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations 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 House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*

- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being No.10 and 6 Oakdean and No.5 Larchdale.

Impact on 10, Oakdean

10, Oakdean is a detached dwelling located to the south of the application site. The wraparound extension would have four high-level windows within the south-facing elevation which would directly face this dwelling. Given the proximity of the extension to the shared boundary (~0.3m), these windows would be conditioned to be obscurely glazed to retain the privacy of this neighbour.

The majority of the extension would be screened by an existing boundary fence, which would mitigate the oppressive/overbearing impact of the extension. In addition, the ~3 metre rear projection would lie parallel to the rear elevation of this neighbour with existing boundary treatments further screening the development. Therefore, it is considered that the proposed development would not lead to a significant impact in relation to overlooking, overshadowing or be unduly overbearing to this neighbour dwelling.

Impact on 6, Oakdean

6, Oakdean is a detached dwelling located to the north of the application site. The main body of the application dwelling would screen the side extension element from this dwelling, therefore poses no impact to the residential amenity of this property.

The rear extension would be set ~0.9 metres from the shared boundary with No.6, and there are no windows proposed within the north-facing elevation of the rear extension. In this case, the rear extension is not considered to be of such a scale and siting that it would lead to an unacceptable level of

overshadowing or create an unduly oppressive/overbearing impact upon this neighbouring dwelling.

Impact on 5, Larchdale

This neighbour is located to the rear/west of the application site.

A separation distance of ~14 metres is achieved between the extensions and this dwelling. Due to the extent of this distance, no undue overbearing or overshadowing will be caused as a result of the proposed works. In addition, boundary treatment to the rear of the application site, in the form of wooden fencing and hedging, further works to mitigate any potential harm of the development.

It is therefore considered that in terms of residential amenity, the proposed development would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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 proposed works will not increase the domestic use of the dwelling, and it is assumed the number of occupants within the dwelling would remain as existing. The single storey side element of the extension would remove some hardstanding surfacing that could potentially be utilised for parking. However, in light of the above, it can be concluded that a sufficient extent of parking is retained to the front of the dwellinghouse. The proposed works would not alter the existing access to and from the property in conjunction with the adjoining highway, therefore is acceptable from a highway perspective.

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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local

Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are 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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative would be provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

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 to embed the climate change agenda.

Considering the modest nature of the development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency, above the brief information provide in the Climate Change Statement.

6 – Representations:

Insofar as they are not addressed elsewhere in this report, the third party representations are addressed as follows:

- Little discussion with neighbours undertaken prior to submission of the application.

It is considered this is a matter which can be afforded minimal weight as a consideration which is material to the determination of this application.

- Not clear how drainage would be incorporated
- The plans do not show details for drainage, foundations, excavations or building work.

Given the requirement for building regulations approval for the development, it is considered these are matters which are covered by separate legislation and in this case the scale of the development is such that it would be unreasonable of the LPA to require a scheme detailing such works to be submitted for written approval.

- High level openings could increase potential noise / disturbance

It is considered that the impact of noise / disturbance resulting from the extension of the existing residential property is a matter which could be afforded little weight in the determination of this case given the existing use of the site which takes place already and the fact the development would not lead to a significant intensification of the existing use.

- Maintenance and incorporation of flues, drainage pipework and access to maintain have not been detailed
- Vents from boiler and shower room directly facing garden path.

It is considered sufficient space is present for the siting of such works to enable them to be incorporated within land under the applicants ownership.

- Devaluation of neighbouring property.

It is considered this is a matter which can be afforded minimal weight as a consideration which is material to the determination of this application.

- The party wall act 1996 is applicable but has not been mentioned as part of the application

This is a separate legal matter which would need to be addressed separately by the applicant / developer. The granting of planning permission does not override existing legal covenants of convey any right of access.

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: 2024/90892

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 91 of the Town and Country Planning Act 1990 (as amended).

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 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 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. The development shall not be occupied until the windows within the southern (side) elevation of the extension hereby approved have been obscure glazed (minimum grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the windows shall be retained as obscure glazed thereafter.
   Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy LP24b of the Kirklees Local Plan and Key Design Principle 3 of the Council's adopted House Extensions and Alterations SPD.

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.

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	03/04/2024
Climate change statement	-	-	11/04/2024
Location Plan	PP-12923053v1	-	03/04/2024
Existing Layouts and Elevations	2158/01	-	03/04/2024
Proposed Layout and Elevations	2158/02	-	03/04/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 03/06/2024

Low coal