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:	**2024/62/90983/W**
Site Address:	26, Gernhill Avenue, Fixby, Huddersfield, HD2 2HR
Description:	Demolition of existing conservatory and erection of replacement single storey rear extension
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	2024/90983
Location	26, Gernhill Avenue, Fixby, Huddersfield, HD2 2HR
Proposal	Demolition of existing conservatory and erection of replacement single storey rear extension
Publicity end date	22nd 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
- 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 and geodiversity
- **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	2002/90605 – Erection of two storey extension – Conditional Full Permission.
Consultations required	No	

Assessment

Description of development:

The application seeks permission for the demolition of the existing conservatory and erection of replacement single storey rear extension. The extension would have a projection of 4m, a width of 3.7m and a height from the rear garden level to the eaves of 3.2 meters. The extension would be set above the garden ground level on the same level as the original house and there would be steps to enter the extension which would be 0.7m of the extension's height. The extension will have a gable roof and the construction materials would be red facing brick to match the red brick incorporated into the design of the host property. A living area would be created on the ground floor.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – the garden area to the rear and the amenity space to the front would be retained.	
Be set behind the original building, and not projecting beyond the sides	Yes – the extension would be set behind the original building and not project beyond the side elevations.	

Maintain external access to the rear garden	Yes – external access would be maintained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – due to being single storey in height and having a width which is less than the original house it is considered to be keeping with the scale of the original dwelling. The usage of harmonising materials means the extension is considered to be in keeping with the style of the original house.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – does not cover more than half of the total area around the original house.	
not exceed 4 metres in height		No- overall height would be 4.3m however the additional height is considered acceptable due to the house being set 0.7m above the garden level. In addition, the extension will not affect first floor windows.
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties	Yes – the house is detached and the extension would not project more than 4 meters from the rear wall.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	Yes – the projection would not exceed 4m.	

retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – a 1.8m gap to the boundary would be maintained.	

Design and Visual Amenity:

The site is a two storey, detached property located within an area without notation within the Kirklees Local Plan. The property is constructed from natural stone render and has red brick detailing with red roof tiles. The surrounding development is residential and consists of similar large two storey detached properties where the predominant construction material is brick/render. A number of properties in the immediate area have been altered or extended in some way.

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	Limited views from public vantage points as will be located to the rear. The extension is a distance / design such that it is concluded to have an acceptable impact upon the street scene.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being single storey and constructed from harmonising walling materials.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	Single storey and less than the full width of the rear elevation – appears proportionate when viewed from side elevations and the height does not affect first floor windows.	

	• Chapter 12 of the NPPF		
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match – bricks to match existing detailing for the walls and red roof tiles to match the original.	
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 design.	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	There will be three full length windows on the south elevation, large bi-folding doors on the east elevation and no windows are proposed within the west elevation.	
Accessibility for all users	• KDP 17of 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:

28 Gernhill Avenue – property to the west of the application site – impact to this property will be assessed below.

24 Gernhill Avenue – property to the east of the application site – due to the existing conservatory having existing fully glazed windows that face in the direction of this property it is considered that windows within the proposed extension will not cause any further impact to privacy. Furthermore, due to the separation distance of 8m to the boundary and a large ~1.8m hedge along this boundary it is considered that the extension will not cause any significant impact to the neighbours outlook nor have an overshadowing effect.

	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	There are no openings within the west side elevation of the extension which faces onto No.28. In any case there is a blank wall at No.28 along the boundary which the extension would face. Therefore there will be no significant material impact to privacy.	✓
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 development replacing an existing building it is considered that no significant further overshadowing impact will be created. In addition the extension will face onto a black wall so will not impact levels of light to No.28.	✓
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	✓

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: Are the following acceptable?

	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	N/A	N/A

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF		
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Property hosts a driveway – no additional bedrooms proposed and existing parking arrangements would be unaffected. As such the proposal is considered in this respect.	✓
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: Are the following acceptable?

	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	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Within Bat Alert layer on mapping system. Advisory note to be added to decision notice should bats be found during construction.	✓

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.	✓
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: 2024/90983

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, Key Design 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 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, Key Design Principles 1, 9 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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
Location plan	PP-12954143v1	-	08/04/2024
Application Form	-	-	08/04/2024
Existing site plan	J24-031-P00	-	12/04/2024
Existing floor plans	J24-031-P01	-	12/04/2024
Existing elevations	J24-031-P02	-	12/04/2024

Plan Type	Reference	Version	Date Received
Existing east elevation	J24-031-P03	-	12/04/2024
Proposed site plan	J24-031-P10	-	12/04/2024
Proposed elevations 1	J24-031-P12	-	12/04/2024
Proposed elevations 2	J24-031-P13	-	12/04/2024
Proposed ground floor and views	J24-031-P11	-	12/04/2024
Proposed section	J24-031-P14	-	12/04/2024
Climate change statement			15/04/2024

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