

# 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:	<b>2024/62/91001/W</b>
Site Address:	4, Glendene Court, Outlane, Huddersfield, HD3 3UP
Description:	Erection of single storey side and rear extensions, first floor terrace, alterations to convert garage to living accommodation and erection of boundary fence
Recommending Officer:	Lucy Taylor

### 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: 17-Jul-2024**

## **Officer Report.**

**Reference:** 2024/91001

**Location:** 4, Glendene Court, Outlane, Huddersfield, HD3 3UP

**Proposal:** Erection of single storey side and rear extensions, first floor terrace, alterations to convert garage to living accommodation and erection of boundary fence

## **Site Description.**

4 Glendene Court is a detached property located in Outlane, Huddersfield. The property is faced in coursed natural stone and the roof forms are infilled with concrete interlocking tiles. The property benefits from an attached double detached garage, driveway parking amenity space and a rear garden.

The property of 4 Glendene Court is located within a residential cul-de-sac, accessed off the highway of New Hey Road.

## **Description of Proposal.**

Planning permission is sought for the erection of a single storey side and rear extensions, a first-floor terrace, alterations to convert the garage to living accommodation and the erection of a boundary fence.

The proposed single storey side extension would project beyond the existing double garage by 4.4 metres, with a width (5.5 metres) and height (3.8 metres) to match the double garage. This extension would function as a garage.

The existing double garage would be converted into a gym and games room / guest bedroom. This would include alterations to fenestration, removing the existing garage doors and installation glazed doors.

The proposed rear extension would be adjoined to the existing orangery, to the rear of the property. The extension would have a projection of 2.8 metres to match the projection of the orangery and would have a height of 2.5 metres and a length of 4.85 metres. This extension would be a study and fenestration would consist of two windows and glazed doors to the rear elevation.

The extensions are to be faced in coursed natural stone to match the host property, with some render applied. The roofing forms are to be infilled with matching concrete interlocking tiles.

A first-floor terrace is proposed to be erected above the existing orangery and proposed rear extension. The terrace would have a projection of 2 metres. Glazed balustrade is proposed to the terrace, with a 2.4-metre-high woodgrain anthracite cladding privacy screen proposed to the front elevation.

A new 2.15-metre-high fence, stepped to 1.9 metres is proposed along the eastern boundary. The fence will be woodgrain effect fencing.

### **History of Negotiations.**

During the course of the application, the applicant submitted amended plans, showing a reduction in the proposed fence height along the boundary and removing the originally proposed pergola from the plan, alternatively running the terrace across the existing orangery.

As a result of the above revisions, the description of proposal was amended accordingly, and the application was re-advertised via second neighbour letters.

### **Relevant Planning History.**

It is not considered that there is any planning history at the application site or close by which is relevant to this application.

### **Representations.**

We are currently undertaking 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 expiry date: 3<sup>rd</sup> June 2024.

In response to publicity, a letter was received by the Local Planning Authority regarding the requirements of the deeds of the property and land registry. The letter also raised concerns regarding the impacts of the proposed first floor terrace and privacy of neighbouring properties.

### **Consultation Responses.**

No consultations were deemed necessary.

### **Policy/Legislation.**

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 application site is unallocated in the Kirklees Local Plan.

The application site is separated from the nearest Listed Building by approximately 18 metres and the two buildings have a locational relationship which means that they are not read in context with one another. Therefore, in

this instance, it is not considered that any further assessments of the proposals impact to the significance of historical assets is required.

#### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality

#### **Supplementary Planning Documents:**

Highways Design Guide SPD (2019)

#### House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

#### **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, together with Circulars, Parliamentary 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

#### **Assessment.**

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

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**

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

## **2) Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-  
- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*

*- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'*
- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

*Key Design Principle 1: Local Character and Street Scene – "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."*

*Key Design Principle 2: Impact on the Original House – "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 details."*

The proposed side and rear extensions to 4 Glendene Court are both single storey in height and have a size / scale that are in keeping with existing architectural features at the property, namely, the existing attached double garage and orangery. In addition, the visible elevations of the extensions are to be faced in matching stone, with render to be applied to the elevations that are not visible from the wider streetscene. The roofing forms above the extensions would also be infilled with matching tiles.

Therefore, it is considered that the side and rear extensions are subservient additions to the host property, with a design that would be appropriately in keeping.

The conversion of the existing attached double garage to living accommodation would require only relatively minor exterior alterations, replacing the existing garage doors for glazed doors. As such, given the extent of modification proposed, it is not considered that this element of the proposal would result in a detriment to visual amenity.

The proposed terrace is to be located to the rear of the site and therefore, would not be an overtly prominent addition, mitigated from view within the context of the wider streetscene. Therefore, it is not considered that the

installation of a terrace in the proposed position within the site would result in any negative impacts to visual amenity.

The fencing proposed is to replacement existing fencing along the same boundary. Therefore, from a visual perspective this element of the proposal has previously been established on site and is therefore considered to be acceptable from a visual amenity perspective.

Upon any grant of permission, a condition would be imposed with regard to exterior construction materials, to ensure that the exterior walls of the extensions be faced in coursed natural stone to match the host property and render as annotated on the submitted 'Proposed Plans & Elevations', dwg no. 24:01:100:02 Rev A. In addition, this condition would ensure that the roof of the garage extension be infilled with concrete interlocking tiles, to match those which infill the roof above the host dwellinghouse.

With the inclusion of the aforementioned condition, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

### **3) Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *"...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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 proposal would see an overall reduction in the extent of rear garden amenity space at 4 Glendene Court, but it is considered that an adequate amount would be retained, with the proposal including a terrace which would also provide some outdoor amenity space.

#### **No. 3 Glendene Court:**

No. 3 Glendene Court neighbours the application site to the north east.

The proposed extensions are considered to be a significant distance from the siting of No. 3 to prevent any undue impacts of overbearing, overshadowing and overlooking.

The proposed fence is to replace an existing 1.63-metre-high fence at the site and is to be stepped down to a height of 1.9 metres where not adjacent to the solid side elevation of No. 4. Given the stepped down design of the fence, it is not considered that it would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 3 Glendene Court.

Officers also note that No. 4 Glendene Court benefits from Permitted Development Rights with regards to fences, whereby under Permitted Development, a fence could be erected along said boundary up to 2 metres in height (from ground level).

With regard to the proposed terrace, whilst officer's note that a privacy screen is not proposed adjacent to No. 3, it is not considered that in this instance, a privacy screen would be required to mitigate overlooking. This is because the proposed terrace would be directly adjacent to the solid side elevation of No. 3, where no glazing is present, and the area of outdoor space adjacent to the shared boundary with No. 4 is not a functional area of outdoor space, but external access around the property of No. 3.

Therefore, based on the assessment set out above, it is considered that the proposal would have an acceptable impact in relation to No. 3 Glendene Court.

#### No. 838A New Hey Road:

This property is located to the south of the application site.

The proposed works to the rear of the site would be located a sufficient distance from this property to prevent any undue impacts of overbearing, overshadowing or overlooking.

The proposed garage extension would be single storey in height and retain a separation distance of 1 metre from the shared boundary with No. 838A and an even greater separation distance of approximately 5.5 metres from the adjacent elevation of No. 838A, with no glazing proposed which would result in overlooking towards this neighbouring property.

Therefore, based on the assessment set out above, it is considered that the proposed works to No. 4 Glendene Court would have an acceptable impact upon No. 838A New Hey Road and would not result in undue impacts of overbearing, overshadowing or overlooking.

#### Glendene House:

Glendene House is located to the rear of the application site.

The proposed garage extension is considered to be a significant distance from the siting of Glendene House to prevent any undue impacts of overbearing, overshadowing and overlooking.

The rear extension would be single storey and retain a separation distance of approximately 6.3 metres from the shared boundary with Glendene House. Therefore, it is not considered that this extension would result in any undue impacts of overbearing, overshadowing or overlooking.

The proposed rear terrace would be predominately adjacent to the solid side elevation of Glendene House (no glazing present). Whilst part of the terrace would project beyond this side elevation, it is not considered that it would result in overlooking to the garden amenity space of Glendene House, as the garden of Glendene House is stepped down to a significantly lower topographical ground level, with trees lining the boundary of Glendene House adjacent with 4 Glendene Court.

For the reasons set out above, it is not considered that the proposal at 4 Glendene Court would result in undue impacts of overbearing, overshadowing or overlooking towards the occupiers of Glendene House.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

It is noted that the building to the western boundary of the site is a commercial building and therefore, the proposed works to 4 Glendene Court would not pose detriment to residential amenity with regard to this building.

For these reasons, the proposed developments at 4 Glendene Court are not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

#### **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.

Whilst the proposed developments to 4 Glendene Court would see the loss of the attached double garage, to be converted into living accommodation, one of the proposed extensions would function as a garage, with driveway amenity space retained. Therefore, it is considered that sufficient levels of on-site parking are retained at the site. In addition, it is noted that the proposed would not alter existing access to or from the site in conjunction with the highway.

In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

## **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 predates 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.

As part of this application, a Climate Change Statement was submitted, which set out various mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

## **6) Representations**

In response to publicity, a letter was received by the Local Planning Authority regarding the requirements of the deeds of the property and land registry. The letter also raised concerns regarding the impacts of the proposed first floor terrace and privacy of neighbouring properties.

### Officer Response:

In terms of the comments regarding land registry and requirements of property deeds, these are legal covenants and therefore, any grant of planning permission would not override these. Upon any grant of approval, an informative note will be included setting this out.

With regard to the comments regarding the proposed first floor terrace, a full and in-depth assessment of this impacts of this element of the proposal is set out with Assessment section 3 of this officer's report, 'Impact on Residential Amenity'. This section of the report concludes that the proposed terrace is acceptable from a residential amenity perspective, including it's impacts with regard to the privacy of neighbouring properties.

## **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: 2024/91001**  
**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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.
3. The exterior walls of the extensions hereby approved shall be faced in coursed natural stone to match the host property and render as annotated on the submitted 'Proposed Plans & Elevations', dwg no. 24:01:100:02 Rev A. The roof of the garage extension shall be infilled with concrete interlocking tiles, to match those which infill the roof above the host dwellinghouse. The materials of construction approved by this condition shall be retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and Specifications Schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Plans & Elevations	24:01:100:01	A	17.04.24
Proposed Plans & Elevations	24:01:100:02	B	13.05.24
Climate Change Statement	-	-	17.04.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

During the course of the application, the applicant submitted amended plans, showing a reduction in the proposed fence height along the boundary and removing the originally proposed pergola from the plan, alternatively running the terrace across the existing orangery.

Report Dated: 

17.07.24
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