

**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:	2024/62/91026/W
Site Address:	17, Wellfield Bank, Crosland Moor, Huddersfield, HD4 5HS
Description:	Erection of two storey rear extension
Recommending Officer:	Tom Hunt

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.

Julia Steadman

AUTHORISED OFFICER

Date: 04-Jun-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91026
Location	17, Wellfield Bank, Crosland Moor, Huddersfield, HD4 5HS
Proposal	Erection of two-storey rear extensions
Publicity end date	23rd May 2024.
Number of representations received	Total of 12 representations received (from two addresses)
Kirklees Local Plan Allocation/Designation	Unallocated. Swift nesting area. No Coal Risk area. Within historic landfill buffer areas. Flood Zone 1.
Extension to Time (EoT)	Not required EoT Date: n/a
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	6 received from two addresses, all Objecting	

If 'No' to all above, proceed with a fast track report

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 53** – Contaminated and unstable land

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	YES	As referred to above (received 30 April 2024) - they included an additional side elevation to make a full assessment, including impact on

		residential amenity. Because of the nature of the amended plan, it was not considered necessary to re-advertise.
Parish/Town Council comments sought	N/A	N/A
Planning History	Yes	96/93170 – Erection of 15 dwellings including infrastructure, estate road and public open space – Approved Planning application details Kirklees Council 2023/90690 – Erection of two storey rear extension and single storey side extension – Approved Planning application details Kirklees Council Enforcement History: COMP/23/0604 – Development not in accordance with approved plans 2023/90690. <i>Invited to submit amended plans retrospectively.</i>
Consultations required	None	N/A

Assessment

The Kirklees SPD sets out that two storey rear extensions should comply with certain dimensions set out at paragraph 5.8 on page 25 and single-storey rear extensions are set out in paragraph 5.6 on page 24 (and listed below) and if they do not, they need to be justified:

Two-storey rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be proportionate to the size of the original house and garden		No – this is a large rear extension however it would still leave sufficient area of land undeveloped for use. It has been designed to be subservient to the host with set down roof ridge and restricted width at rear; the 3.7m projection from the rear would not normally be acceptable however it is

		in line with an existing outbuilding and a reduced rear projection would appear contrived and visually jarring. Given the moderate increase over recommended minimum projection, this is recommended to be acceptable in this isolated instance.
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Yes – as above	
not project out more than 3 metres from the rear wall of the original house		No – as above
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		No – the extension is set back ~0.6m from the adjacent neighbour to ensure a 45° field of outlook is exceeded from nearest habitable window. The adjacent window to no. 19 is obscured, preventing undue overbearing. The other side of the two-storey rear extension would comply. While the design does not fully comply, it is recommended that this be acceptable on basis of limited impact.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;		No – as above
not adversely affect habitable room	Yes – as above	

windows where they adjoin a neighbour's boundary		
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Single-storey rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be in keeping with the scale and style of the original house	Yes – it would be of very limited scale	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – adequate space is left remaining overall	
not exceed 4 metres in height	Yes – it would be ~2.9m height and be flat roofed	
not project out more than 3 metres from the rear wall of the original house for and terraces houses	Yes – it would adjoin an existing detached outbuilding and serve as an infill extension with no significant visual impact over and above the existing.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	Yes – as above.	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – there is no separation distance to the boundary. It would be adjacent to a door which faces the outbuilding and is adjacent to a screening ~1.8m timber fence already restricting neighbouring outlook and would aid in reducing visual dominance. The recommended separation distance to boundary is to aid in visual openness, a subservient design and to maintain residential amenity. It is proposed

		that in this isolated instance given the presence of the outbuilding, this is acceptable as this would not significantly affect visual and residential amenity impact.
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Design and Visual Amenity: Are the considerations in the following table acceptable?

The application property is located at the end of a row of three properties, with matching materials using two differently coloured main brick works and concrete tile roof. The dwellings are two storey and have driveways to the front or side. The host property has a shared detached single-storey outbuilding with No. 19 at rear and a garden with access to rear. In between the detached outbuilding and host there is a 1.8m height timber fence adjacent to neighbouring doorway. There are few examples of extensions due to Permitted Development Rights removed on outbuildings and extensions for some plots (application ref: 96/93170).

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	Modest two storey rear extension in a discrete location.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Would appear subservient by virtue of its limited width at first floor and reduced roof ridge height to the original building. This would match the existing single-storey outbuilding's rear elevation; to have the	✓

		two-storey rear extension reduced in line with House Extensions and Alterations SPD recommendations would achieve an awkward design for the host. Visually, the set back at first floor, achieved by the limited width, would reduce its overbearing impact adequately. Officers recommend that this is acceptable in this limited instance, subject to residential amenity also being acceptable. The infill single-storey rear extension's size and scale would not be visually significant.	
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	As above.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing and roofing materials, along with opening details to similarly match existing.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	While it would introduce two roof forms to the host', this would be of restricted impact being to the rear. The hipped roof style of the main extension, compared to a potential gable roof design, would minimise the bulk and massing of the extension. The primary elevation of the host would remain	✓

		unaffected and the dominant feature retaining its character and appearance.	
Window proportions and doors	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Proportions similarly match the existing property and would appear residential in style with no significant visual impact. Multiple doors would be of low visual impact and be acceptable.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extensions 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: Are the considerations in the following table acceptable?

The main properties affected are:

- *No. 15 Wellfield Bank (side/southeast of host) – the proposed rear extension would be forward of the neighbouring rear elevation, with adequate separation distances to boundary and to its northeast ensuring no overbearing or overshadowing effects would arise. The rear extension would have no windows to overlook and would have a partially glazed door. The host would also have a partially glazed door with window to ground floor which could be carried out under Permitted Development Rights. Both doors and window would have their outlook adequately screened by the existing solid timber boundary fence on higher ground for privacy. A first-floor side/southwest elevation window (to the host) would be installed to serve a bedroom, this would be the only window for the bedroom; this would not be opposite no.15's own window and so would only have very oblique views aided by the differing ground levels between neighbours. In addition, the window would face just behind the main body of no. 15's rear elevation and would therefore avoid significant overlooking to the main body or its single-storey rear extension. In this instance, Officers recommend that there is not a reasonable justification to have this window obscurely glazed as the impacts of overlooking and loss of privacy would be very restricted and would be the sole window of a bedroom. The extension to the northeast of the neighbour, separated by 5.8m, would not unduly overshadow this neighbour.*

- *No. 19 Wellfield Bank (side/attached and to northeast of host) – the proposed extensions would only face towards the rear garden of no. 17; the impact would be no greater than the existing openings. The single-storey infill extension would be adjacent to no. 19's door which faces the shared outbuilding and is adjacent to a screening effect achieved by an ~1.8m (height from ground level) solid timber fence; this would restrict neighbouring outlook and would aid in adequately reducing overbearing impacts. The two-storey rear extension has been set back from the shared boundary so as to ensure a 45° field of outlook is adequately maintained for the clear glazed window at no. 19's first floor (demonstrated on floor plan) to avoid overbearing or significant overshadowing impacts. The obscurely glazed immediately adjacent window to no. 19 at first floor would not have significant additional overbearing or outlook impacts due to its own obscured outlook. There may be some very restricted overshadowing effects to the obscure window however on balance the clear glazed habitable window would remain mostly unaffected and Officer recommend that this is acceptable.*
- *No.117A Walpole Road (rear) – the two-storey rear extension would be ~18.6m distance from the neighbour which has one obscured window to its left and a large window to its right at the first floor and there is a 2m height timber fence at the shared rear boundary. This separation distance would not comply with guidance set out in paragraph 4.10 (page 11) of the SPD. The properties are in differing positions meaning that No. 17's bedroom window would directly view the bathroom obscured window and have oblique views of No. 117A's other window therefore being considered acceptable with no significant impact on overlooking/loss of privacy. The ground floor window would have its views of the opposite rear neighbour at ground level adequately screened by the shared hit and miss timber fence to the rear. The impact on privacy and overlooking are therefore regarded as not significant with a good standard of amenity preserved. The distance involved would ensure no overshadowing or overbearing impacts.*

	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	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to	• KDP 4, 5, 6 of the SPD	As above.	✓

sides, rear and front)	• Policy LP24 Design (b) • Chapter 12 of the NPPF		
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 be mostly unaffected by the proposed extensions.	✓

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 • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	This would intensify use by an additional bedroom to make the property a 4 bed property. This is served by two parking spaces to the front and is on a quiet non-thoroughfare, unclassified road. In addition, the property faces out to Wellfield Bank Open Space and beyond Urban Greenspace designated land, hence the road only supports one residential side for highway safety and parking with lower parking demand than typical. While the property would not meet the requirements of the Highways Design Guide SPD to supply three off street parking spaces,	✓

		the site constraints cannot supply any more and bearing in mind the factors set out above, this would have no significant impact on highway safety.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As above.	✓
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.	✓

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	Swift layer – Swifts are a protected species and cannot be disturbed or affected. A cautionary note is recommended if discovery of swifts or nests occur. This would	✓

		be a private responsibility of the applicant and workers employed on their behalf to ensure no impact.	
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. A Climate Change Statement has been supplied with minimal interventions relying on improved national Building Regulations controls to comply with and to reduce carbon emissions through improved efficiency and insulation. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Contaminated and unstable land	• Policy 53 of the KLP • Chapter 15 of the NPPF	The site is within historic landfill buffer areas. As such there is potential for contaminated land affecting public safety. A pre-cautionary condition has been attached to advise the applicants of their duties should any unexpected land contamination be found.	✓
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 largely 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
Overlooking/loss of privacy	Detailed within the Residential Amenity section of the report	✓
Poor design and materials	Detailed within the Visual Amenity section of the report.	✓
Overbearing and intrusive	Detailed within the Visual Amenity and Residential Amenity section of the report	✓
Overshadowing	Detailed within the Residential Amenity section of the report	✓

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

Application Number: 2024/91026

Officer Recommendation: Approve

Conditions and Reasons

1. 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, LP30 and LP53 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, 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the two-storey extension and external wall material of the single-storey infill 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, Key Design Principles 1 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.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either

- (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or
- (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure public safety and to comply with LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: Should any swifts or nests be found at any point during the development, then work must cease immediately to avoid impact on a protected species, and the advice of a licensed ecologist sought.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Floor and Elevation Plans.	Drawing No. UD-527.	Unamended.	11/04/2024
Location Plan, Proposed Elevation and Floor Plans.	Drawing No. UD-527-11	Amended.	30/04/2024

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. The proposal was assessed against the House Extensions and Alterations SPD and other planning material considerations and considered acceptable.

Report Dated: 03/06/2024