

**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:	2024/62/91084/W
Site Address:	5, Woodsome Drive, Fenay Bridge, Huddersfield, HD8 0JR
Description:	Erection of single storey rear, two storey side and two storey front extensions
Recommending Officer:	Laura Yeadon

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: 12-Jun-2024

Officer Report

[Website](#)

Site Description

5 Woodsome Drive is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick to the front, side and rear elevations with timber cladding and white rendered sections to the first floor front elevation. To the front of the property is a garden/hard standing area with a driveway leading to an attached garage. To the rear of the property is a larger garden area with a patio at floor level of the property and a lawn garden which slopes downwards to the west, towards the rear boundary.

Surrounding development consist of residential properties within Woodsome Drive which are detached properties, some of which have been extended and which vary in terms of size, design and construction materials.

Description of Proposal

The application is for the erection of single storey rear, two storey side and two storey front extensions.

Single storey rear extension

The proposed single storey rear extension would be set in from the side elevation facing No. 7 by 1.5 metres and would project 5 metres from the rear elevation of the property. The extension would span the width of the main body of the property being set in from the shared boundary with No. 3 by ~4.5 metres. The eaves height of ~2.7 metres with an overall height of ~3.2 metres to the top of the flat roof. A terrace would project off the rear of the extension which would project ~2.6 metres with a maximum height of ~1.2 metres.

The proposed construction materials for the extension would be brick for the walls with a GRP/rubber roof and uPVC windows.

Two storey side extension incorporating a two storey front extension

It is proposed that the existing garage with utility room to the rear and the passage which attaches the structure to the main house would be removed. This would be replaced with a two storey extension side extension. The proposed side extension would project to the side by 3.5 metres and would project forward of the original front elevation of the property by 2 metres and would project beyond the rear elevation of the original property by 1.6 metres. The eaves and roof heights would match the existing. To the front of the property the proposed front elevation of the side extension would be set back

from the front elevation of the proposed side extension to 1.3 metres to create a porch area at ground floor allow a repositioned staircase. The design of the front elevation and the attached, set back front extension would create a gabled, part width frontage.

The proposed construction materials would be ashlar stone, curtain wall glazing, brick and K-render with roof tiles to match the existing.

Other works

Other works to the property include the removal of the canopy to the front elevation and replaced with a flat roof and also rendering to the front elevation.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being considered acceptable in its submitted format.

Relevant Planning History

None

Representations

We are currently undertaking the legal 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 date expired 29th May 2024 – no representations received

Kirkburton Parish Council – no response received

Consultation Responses

None required

Policy

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 without notation on the Kirklees Local Plan however it is within the Strategic Green Infrastructure Network, a 'Bat Alert' area on the Council's mapping system and also within a low risk coal mining area.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development

- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “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.”
- Principle 2 – that “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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front, side and rear extensions the SPD states the following:

Front Extensions

The SPD clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

2- storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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 above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

In terms of the proposed two storey side extension, this would result in the creation of a front extension which would form a two storey gable. In terms of this part of the development and the requirements of the SPD, the house is set back from the pavement, the extension is not considered to cause detriment to the street scene whereby front projections are evident, the materials would incorporate the existing materials evident on the house and is not considered to unreasonably affect the neighbouring properties. The properties within Woodsome Drive vary in terms of size, design and scale with evidence of front projections within the street scene. The introduction of a glazed curtain walling is not considered to compromise the visual appearance of the street scene in accordance with Key Design Principle 1 of the SDP. Therefore, this element of the scheme is considered to be acceptable.

In this case justification is considered to be present, weight is afforded to the individual style characteristics of the majority of dwellings on the street and whilst the host property is one of a small number of the same house type, the street is a mix of single and two storey dwellings with protrusions to the front a not uncommon feature. The siting of the dwelling is not part of a linear form and as such in this case it is considered there is sufficient justification present such that it is considered refusal on the basis of the impact of the two storey element to front could not be substantiated in this case.

The proposed two storey side extension would replace the existing single storey garage with utility room and passageway. With reference to the SPD, whilst the extension would take up most of the space to the side of the dwelling, this is not dissimilar to the existing arrangement with the presence of the garage and also within the street scene whereby a number of properties span the width of the plots. The extension would retain a gap of ~0.8 metres to the side boundary whereby the neighbouring property is set at an oblique angle to the application site. In addition, the roof form of the proposed side extension is pitched and therefore slopes away from the neighbouring property and therefore ensuring a sense of space is retained between the 2 no. dwellings in accordance with Key Design Principle 2 of the SPD. The proposed construction materials would be in keeping with those existing on the property and therefore, this element of the scheme is considered to be acceptable.

With regards to the proposed rear extension, this would sit behind the main body of the house, set in from the side elevation facing No. 7 and would project a total of 5 metres in projection. In terms of the compliance of the extension in terms of the SPD, due to the size of the curtilage surrounding the property, it is considered that the back garden would be retained as a reasonable size and the works would result in the retention of the external access to the rear garden to the side of the property. The extension is considered to respect the original house and garden in terms of size and scale and would use appropriate materials that would match the host dwelling.

The extension would accord with Key Design Principle 2 of the SPD by being in keeping with the scale of the original house and would not cover more than half the area of land around the property and would retain a gap of at least 1 metre from the side of the extension to the property boundary.

The extension is to the rear of the dwelling and not particularly visible from the front elevation street scene, therefore compliant with Key Design Principle 1 of the SPD. Whilst the extension would exceed that outlined within the recommendations of the SPD, the site is of a sufficient size to accommodate such a projection and also the property benefits from permitted development rights and therefore could benefit from a 'larger home extension' which would enable the property to extend substantially further than the 5 metres proposed within this application, subject to conditions.

In conclusion, the extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (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.

In terms of the impact of the proposal on neighbouring properties, the location of the two storey would have a side elevation facing southward towards No. 3 Woodsome Drive with the rear extension set in from the existing side elevation of the property facing northwards towards No. 7.

With regard to privacy, the separation distance between front elevation of the extension and the facing property would be reduced by 2 metres due to the front extension however this would be retained at a distance of ~22.5 metres which would meet the requirements of the SPD. There is a side elevation window within the first floor of No. 3. Whilst the extension proposes openings within the ground and first floor, these are annotated as being obscurely glazed and therefore there are minimal concerns regarding overlooking from these openings. In terms of the openings within the rear elevation of the two storey extension, these would project beyond the main body of the house by ~1.6 metres. As there are no proposed openings within the side elevation, there are minimal concerns regarding overlooking to this property.

Likewise, there are no proposed openings within the side elevation of the proposed rear extension that would face No. 7. The openings within this extension would be within the rear elevation of the extension comprising bi-folding doors. These would face the garden area of the property which slopes downwards towards the rear boundary where No 57 Penistone Road is located. As the separation distance between the rear elevation of the extension and the rear elevation of this neighbouring property is in excess of 37 metres, there are minimal concerns regarding overlooking from this elevation.

Whilst the raised terrace is not contained within the description of development, it is shown on the proposed site plans. It would be set in from the side boundaries of the site and given its location and position, it is not considered to cause significant harm over and above the existing layout of the rear garden.

It is noted that the roof of the rear extension is a flat roof and therefore, in the interests of residential amenity, it is considered reasonable to add a condition to the decision notice stating that the roof area of the extension shall not be used as a balcony or roof terrace to prevent overlooking to neighbouring dwellings, to ensure there is no undue loss of privacy.

With regard to overshadowing and/or being overbearing, the two storey side extension would have a minimal impact on No. 3 as the extension would be to the north of this property and therefore there would be a significant loss of light. The rear extension is single storey in height and is set in from the side boundaries of the property and is also not considered to cause undue harm. It is noted that No. 3 has a rear conservatory extension to the rear of the garage which has clear openings which directly overlook the application site, it is not considered these openings would be significantly compromised by the

proposed as the rear elevation and south facing openings would benefit from natural light due to the orientation.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the extent of curtilage and as demonstrated on the submitted location plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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.

In this case the proposed parking area would be to the front of the property, as shown on the submitted plans. It is proposed that an additional bedroom would be created resulting in a 4 bedroom property. As such, 3no. off-street parking spaces should be provided to comply with the requirements of the SPD. There is proposed garage provision within the side extension and there is sufficient space to the front of the property to provide additional parking and therefore there are minimal concerns regarding highway safety.

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.

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.

A Climate Change Statement has been submitted with the application which is considered to be acceptable based on the level of development proposed at the property.

Biodiversity – Paragraphs 180, 186, 187 and 188 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for roosting bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the

deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

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: 2024/91084

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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House

Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 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 retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The flat roof of the rear extension shown on drawing numbers A(10)-01 and A(10)-02 hereby approved shall be used as roof area only and shall not be used as a balcony or raised terrace area at any time throughout the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

5. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of the extensions hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations SPD and Policy in Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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-12987234v1		18 th April 2024
Existing site plan, elevations and floor plans	2332 A(00)-01		18 th April 2024

Plan Type	Reference	Version	Date Received
Proposed site plans and floor plans	2332 A(10)-01		18 th April 2024
Proposed elevations	2332 A(10)-02		18 th April 2024
Climate Change Statement	Appendix A		18 th April 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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:

11th June 2024

Coal – low