

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:	2024/62/91121/W
Site Address:	40, Ganton Way, Fixby, Huddersfield, HD2 2ND
Description:	Erection of single storey rear extension, demolition of existing conservatory and associated works (Modified Proposal)
Recommending Officer:	Joanna Rednall

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: 20-Jun-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91121
Location	40, Ganton Way, Fixby, Huddersfield, HD2 2ND
Proposal	Erection of single storey rear extension, demolition of existing conservatory and associated works (Modified Proposal)
Publicity end date	4 June 2024
Number of representations received	None received
Kirklees Local Plan Allocation/Designation	Unallocated
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	✓	

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

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 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	No	
Relevant planning History	Yes	2021/92502 Erection of single storey rear extension, demolition of existing conservatory and associated works <i>Conditional full permission</i>
Consultations required	No	

Assessment

Permission is sought for the erection of a single storey rear extension, demolition of an existing conservatory and associated works (Modified Proposal).

The measurements of the rear extension are as follows:

- ~4 metre projection
- ~8.4 metre width
- ~3.2 metre height

The exterior walls would be constructed from render with a flat roof above. A roof lantern would be erected in the centre of this flat roof, at a height of ~0.6 metres. The extension would be the full width of the rear elevation and lie flush with both side elevations of the existing property.

With regard to fenestration, the extension proposes bi-folding doors within the rear elevation. A roof lantern is proposed in the centre of the flat roof with a high window within each side elevation of the extension.

The proposal is modified from the previous (approved) application 2021/92502 of identical projection and width. This modified proposal has altered the roof from lean-to in design to flat in design.

Demolition of conservatory

The existing part-width uPVC conservatory located on the rear elevation of the property would be removed to facilitate the construction of the extension.

Associated works

The works associated with the development would be the removal of an existing ground floor window within the side elevation facing No. 42 being removed and also a high level opening located within the side elevation of the existing property facing the rear of No. 7 Fulneck Close.

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:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	At least half the garden area would be retained.	
Be set behind the original building, and not projecting beyond the sides	The extension would not project beyond the sides of the host dwelling.	
Maintain external access to the rear garden	External access to the rear garden would be retained.	
Single storey rear extensions should:		

be in keeping with the scale and style of the original house	Render to match front elevation considered acceptable.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	The extension would not cover more than half the total area around the original house.	
not exceed 4 metres in height	The extension would comply with this criteria.	
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	The extension would comply with this criteria.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		The eave height would exceed 2.5m, however the size and scale is proportionate to the host and would not overdevelop the site.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	The extension would retain a gap of at least 1 metre from each property boundary.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

40 Ganton Way is a relatively modern two storey two storey dwelling which is located to the north of Ganton Way. Surrounding development is predominantly residential and of a similar age with varying styles and designs, including bungalows. The property is constructed from red brick with a rendered first floor front elevation. The roof is tiled with the openings being dark grey.

To the front of the property is a detached double garage and garden area. There is also a garden area to the rear where a conservatory and summerhouse is located. The rear boundary of the site forms the boundary

with the Green Belt. Residential properties are located to the east and south and to the north and west are dense trees which separate the estate from Huddersfield Golf Club.

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 located to the rear with built development surrounding the property.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Constructed using render, therefore in keeping with the host property. Single storey in height and appears proportionate to the dwelling.	✓
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	Single storey in height and full width of rear elevation appears proportionate to the host.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Render to match features on the original building.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	Flat roof with roof lantern considered acceptable.	✓

	Chapter 12 of the NPPF		
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Full length within the rear elevation and high windows within each side elevations.	✓
Accessibility for all users	- KDP 17 of 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: Are the considerations in the following table acceptable?

The main properties affected are:

No.7 Fulneck Close – located east of the application property

A separation distance of ~14 metres is achieved between the two dwellings. Two openings are proposed within the side elevation facing this neighbour, both being at high level and located ~1.5 metres above finished floor level. There is existing boundary treatment and therefore it is not considered that the proposal would result in a significant loss of privacy from overlooking.

Due to the orientation of the extension in relation to the rear amenity space of this neighbour and existing screening, the works would not cause detrimental overshadowing/overbearing at this neighbouring property. This would comply with KDP 3 to 6 of the SPD and Policy LP24 with regard to residential amenity.

No. 42 Ganton Way – located west of the application property

There would be one high window within the side elevation facing this neighbour. It is not considered that the extension would result in a significant loss of privacy from overlooking/overshadowing/overbearing. The proposed window is high level and partially screened due to the bungalow being set back from the rear elevation of the application site. This would comply with KDP 3 to 6 of the SPD and Policy LP24 with regard to residential amenity.

	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 above.	✓
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	Acceptable for the reasons above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Over half of the garden space would be retained.	✓

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	No alterations to highway access.	✓
Parking provision	• KDP 15 of the SPD	Property hosts a driveway and detached garage – no additional	✓

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	bedrooms proposed so parking unaffected.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however there is 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	Bat alert layer – no interference with existing roof so unlikely that bats would be affected – note can be attached to decision notice regarding bats.	✓
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 received		

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: 2024/91121

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, 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

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	22/04/2024
Location Plan	(EX)002	-	22/04/2024
Block Plan	(20)002	A	22/04/2024
Existing Elevations and Floor Plans	(EX)001	-	22/04/2024
Proposed Elevations and Floor Plans	(20)001	-	22/04/2024
Climate change statement	-	-	22/04/2024

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: 12/06/2024

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