

# 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:         | 2024/62/91180/W                                       |
| Site Address:         | 20, Hill Grove, Salendine Nook, Huddersfield, HD3 3TL |
| Description:          | Erection of two storey and single storey extensions   |
| 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: 13-Aug-2024**

## **Officer Report.**

**Reference:** 2024/91180

**Location:** 20, Hill Grove, Salendine Nook, Huddersfield, HD3 3TL

**Proposal:** Erection of two storey and single storey extensions

## **Site Description.**

20 Hill Grove is a two-storey semi-detached property located in Salendine Nook, Huddersfield. The property occupies a prominent corner plot, with outdoor amenity space to the front, side and rear. On-site parking amenity space is also located to the rear of the property, with a detached garage structure present.

The property is located within a residential area, where there are a mix of property types and design styles established. The properties along Hill Grove are both two-storey in height and bungalows, with a mix of exterior materials established.

## **Description of Proposal.**

Planning permission is sought for the erection of two-storey and single storey extensions.

The proposed two storey side extension would have the following dimensions:

- Projection / width - 4.25 metres
- Length – 7.6 metres
- Maximum height – 7.7 metres

The proposed single storey rear extension would have the following dimensions:

- Projection / length – 3 metres
- Width – 9 metres
- Maximum height – 3.7 metres

The proposed single storey front extension would have the following dimensions:

- Projection / length – 2.3 metres
- Width – 2.8 metres
- Maximum height – 2.85 metres

The external walls of the extensions would be faced in brick and render, and the roofing forms would be infilled with dark grey concrete tiles.

### **History of Negotiations / Amendments Received.**

During the course of assessing and determining this planning application, the case officer entered into negotiation with the planning agent, setting out recommended amendments in accordance with the design requirements of the House Extensions and Alterations SPD and responses to the consultation from KC Highways Development Management.

In response to the above, the planning agent submitted amended plans, with the following amendments made to the scheme:

- The originally proposed single storey garage omitted from the scheme.
- Added windows to the gable elevation to provide a dual frontage.
- Retained the existing parking.

In addition, the following justifications have been provided via email correspondence (in addition to the justifications as set out within the Planning Statement by Heneghan Architecture):

- We have provided justification for keeping the extension flush in accordance with the local area's architectural nature and due to the existing staircase position, since pushing the extension 0.5m back would result in a significant impact on the design and layout due to the lack of gap between the bottom stair tread and the front wall.
- The two-storey side extension has not been set down from the height of the host roof pitch for the same reasons as above.

As a result of the submitted amendments, the description of proposal was amended, removing reference to '*and the formation of new access and parking*'.

It was not however deemed necessary to re-advertise the application, with the description of proposal to remain, in the main, the same as originally proposed and the overall extent of built form reduced.

### **Relevant Planning History.**

There is no planning history at the application site, or to neighbouring properties, which is considered of relevance to the determination of this planning 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 date expired: 12<sup>th</sup> June 2024.

No representations were received.

### **Consultation Responses.**

Whilst officer's note the receipt of a consultation response from KC Highways Development Management, following their comments, amended plans were submitted, that saw the parking arrangements at 20 Hill Grove retained as existing.

Therefore, it is considered that the submitted amendments appropriately responded to the recommendations of KC Highways Development Management who concluded that:

*“HDM would therefore recommend that the off-street parking is retained like the existing which is better located. There would however be no highways objection to the demolition of the existing garage and the retention of two-off street parking spaces.”*

### **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 for Kirklees is the Local Plan (adopted 27th February 2019).

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

#### **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 20th 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 12 – Achieving Sustainable 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 will be considered as part of the assessment of the proposal. 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) 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”*.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

## **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 detail.*

Section 5 of the Council's adopted House Extensions and Alterations SPD refers to rear extensions, with paragraph's 5.5 and 5.6 referring specifically to single storey rear extensions.

Section 5.2 of the aforementioned SPD discusses front extensions, with paragraphs 5.13 and 5.14 discussing the design recommendations for such developments.

Section 5.3 refers to side extensions, with specific guidance for two-storey side extensions in paragraph 5.20 and for side extensions within a corner plot in paragraph 5.23.

The proposed two-storey side extension is considered to be acceptable from a visual amenity perspective. The projection of the extension is less than the overall width of the host dwelling by approximately 1 metre and it is considered that the overall size / scale of the curtilage of 20 Hill Grove can support an extension to the side with a projection of 4.25 metres, retaining a significant extent of separation from the boundary. Therefore, for these reasons, it is considered that the proposed two-storey side extension is appropriately in accordance with the recommendations of the House Extensions and Alterations SPD, with regard to not taking up all or most of the space to the side of the house.

Furthermore, the two-storey side extension is considered to be designed in a manner which appropriately accords with corner plot design recommendations, as set out within the House Extensions and Alterations SPD. The extension is designed so that fenestration creates two frontages, with windows overlooking the street. In addition, the extension is in line with the principal elevation of No. 26 Hill Grove, to the rear of the site.

Whilst the two-storey side extension would not be set back from the principal elevation of the host dwelling or set down from the ridge height of the host roof, in the instance of this particular development scheme, this design is considered to be acceptable on the individual merits of the application site. This is particularly due to the end of terrace siting of the dwelling, meaning that the flush design of the extension allows for the extension to harmonise with the existing built form.

The proposed single storey rear extension is considered to be designed so that it would appear as subservient to the host property, single storey in height with a projection of 3. The extension would retain a gap from the shared boundary with No. 18 Hill Grove and the extension would see the retention of an appropriate extent of rear garden amenity space.

The front extension would be set well back from the pavement and would be screened by existing hedging. In addition, the extension would appear as subservient in size/scale and is designed in a way that would not result in harm to the character of the original house, given it would replace an existing flat roofed feature to the frontage of 20 Hill Grove.

With regard to materials of construction, the submitted plans indicate the intention for the property to be a mix of brick / render finish. The street is a mix of materials with the host property being brick and pebble dash / render finish at first floor level. In the event of the grant of planning permission, a condition will be imposed requiring materials of construction to match those of the host property.

For the reasons set out above, it is concluded that the proposed development would comply with the policies within Chapter 12 of the NPPF, Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Having regard to the assessment of the visual impact of the proposal, a condition is recommended to be included requiring materials to match those used in the construction of the host property.

### **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 the loss of some garden amenity space at 20 Hill Grove; however, it is considered that a sufficient extent would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

#### **No. 18 Hill Grove:**

This property adjoins No. 20 to the east.

The proposed side extensions to No. 20 would be erected to the western side and would be retained behind the existing built form of the host property,

therefore, these extensions would not pose any significant impacts of undue overbearing, overshadowing or overlooking towards No. 18.

The single storey rear extension would be set away from the shared boundary with No. 18 and would be adjacent to a brick elevation of a single storey projection at this neighbouring property, which hosts one obscurely glazed window. For these reasons, it is not considered that the proposed single storey extension to No. 20 would result in any significant impacts of undue overbearing or overshadowing. Also, no glazing is proposed to the single storey rear extension that would face towards this neighbouring property, retaining appropriate levels of residential privacy.

The front porch extension would retain a separation distance of approximately 3 metres from the shared boundary with No. 18 and would appropriately comply with the 45-degree recommendation as set out in Key Design Principle 5 of the House Extensions and Alterations SPD. Also, no glazing is proposed to the front extension to face towards this neighbouring property. In turn, it is concluded that the front extension would not result in undue impacts of overbearing, overshadowing or overlooking.

#### No. 26 Hill Grove:

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

The proposed extensions would retain a minimum separation distance of approximately 8.7 metres from the shared boundary with No. 26 and an even greater separation distance of approximately 12.4 metres from the neighbouring property itself. Therefore, given these separation distances, it is not considered that the proposal would result in undue impacts of overbearing or overshadowing to the occupiers of No. 26 Hill Grove.

In addition, whilst additional glazing is proposed to the rear elevation of No. 20 Hill Grove as a result of the proposed developments, given the layout of fenestration detailing to the adjacent side elevation of No. 26, it is not considered that the proposal would result in undue impacts of overlooking towards this neighbouring property.

Whilst officer's note the glazing proposed to the side elevation of the side extensions, this would serve non-habitable spaces internally (garage and bathroom) and therefore, it is not considered that these windows would present undue impacts of overlooking towards neighbouring properties.

Therefore, based on the assessment of the development set out within this section of the report, it is concluded that the scheme would appropriately comply with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

#### **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.

Following the submission of amended plans, the proposals would see the retention of the same routes of vehicle access to and from the site in conjunction with the adjoining highway and the expansion of the existing driveway. The impact of the proposal is concluded to be acceptable in terms of provision of parking on the basis of that as demonstrated upon the submitted plans.

Upon any grant of approval, a condition would be imposed regarding the surfacing of any additional areas of hardstanding to ensure appropriate levels of drainage are achieved.

The proposal is therefore concluded to be comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the House Extensions and Alterations SPD, Highways Design Guide SPD and policies within Chapter 9 of the NPPF.

## **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.

### *Removal of Permitted Development Rights*

To ensure the visual impact of development of the site is acceptable in terms of the level / amount of built form and subsequent visual impact within the street a condition restricting permitted development rights for the construction of outbuildings is recommended.

Further to the visual impact, the impact of construction of outbuilding(s) has the potential to reduce parking provision from that as demonstrated within the submitted plans and as such it is considered that the inclusion of the recommended condition is justifiable on the basis it ensures the areas for vehicular parking would remain available for this purpose.

In this case the quantum of development, coupled with the prominence of the amenity space, and reduction in the level of private amenity space to the rear is such that a condition restricting permitted development rights for outbuildings is considered to be justifiable and a condition on this basis shall be included upon any grant of permission.

## **6) 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, is acceptable in principle, and is therefore recommended for approval.

**Recommendation: Approval**

**Decision Authorisation: Delegated Powers**

**Application Number: 2024/91180**

**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 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 and 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, 12, 14 & 15 of the National Planning Policy Framework.

3. The exterior walls of the extensions hereby approved shall be faced in brick and render to match the materials of construction of the host property. The roofs of the side and rear extensions shall match the materials of construction of the host property. The materials of construction approved by this condition shall thereafter be retained.

**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.

4. The extensions hereby approved shall not be brought into use until the areas of extended driveway have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for parking.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** To ensure the development has an acceptable visual impact and a suitable off street parking provision, in accordance with Policies LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2 & 15 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

| <b>Plan Type</b>                                 | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--------------------------------------------------|------------------|----------------|----------------------|
| Existing Plans & Elevations                      | 2407-0101-P01    | -              | 02.05.24             |
| Proposed Plans & Block Plan                      | 2407-0301-P06    | -              | 31.07.24             |
| Proposed Elevations                              | 2407-0302-P06    | -              | 31.07.24             |
| Justification Statement by Heneghan Architecture | -                | -              | 02.05.24             |
| Climate Change Statement                         | -                | -              | 02.05.24             |

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 assessing and determining this planning application, the case officer entered into negotiation with the planning agent, setting out recommended amendments in accordance with the design requirements of the House Extensions and Alterations SPD and responses to the consultation from KC Highways Development Management. In response to the negotiations, the planning agent submitted amended plans and justifications.

**Report Dated:** 05.08.24