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:	**2024/62/91205/W**
Site Address:	489, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG
Description:	Proposed loft conversion with rear dormer, replacement rear extension, roof terrace and associated alterations
Recommending Officer:	Joanna Rednall

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: 21-Jun-2024

The Site

489, New Hey Road is a semi-detached bungalow located in Salendine Nook, Huddersfield. The building is finished in red brick with blue slates to the roof. The roof is gable in design with a projecting gable to the front. The property benefits from a small garden and driveway to the front, alongside private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary to New Hey Road or from the rear boundary to Longwood Edge Road. There is a detached single garage and driveway to the rear of the property accessible via Longwood Edge Road. Boundary treatments consist of timber fences and hedging.

The site is situated within a predominantly residential area, whereby there is a varied material palette of brick, render and stone. Adjacent to the site are bungalows of similar design and scale to the application site. Opposite the site are detached, two storey properties constructed from stone. The site is also unallocated on the Kirklees Local Plan.

The Proposal

The applicant is seeking planning permission for proposed loft conversion with rear dormer, replacement rear extension and associated alterations.

Loft conversion and rear dormer

The loft conversion would provide first floor accommodation to the dwellinghouse. The dormer would be located to the rear of the loft conversion and serve two bedrooms and a shower room.

The dormer front and cheeks are to be clad in horizontal upvc boarding with a flat roof above. The measurements of the rear dormer are as follows:

- ~1.1m height
- ~2.2m projection
- ~4.2m width

With regard to fenestration, the rear elevation of the dormers would host two windows and a Juliet balcony. Alternations to a single storey element of the the roof of the host property, incorporating a flat roof element, would be incorporated into the design.

Rear extension

The rear extension would replace an existing conservatory. The exterior walls would be finished in render with a lean-to roof infilled with blue slate tiles above. One rooflight is proposed within the lean-to roof. The measurements of the rear extension are as follows:

- ~2.2m projection
- ~4.2m width
- ~2.1m eave height
- ~3.2m ridge height

Associated alterations

The associated alterations proposed include two velux rooflights to the front/north facing roof plane of the host property. Two ground floor side/east facing windows are also to be removed as part of the works.

In addition, the lean-to roof above the rear ground floor outrigger would be replaced with a flat roof as part of the works.

Planning History

91/03145 erection of conservatory and porch extensions - *Conditional full permission*

History of Negotiations

Amended plans were sought regarding the roof terrace to the rear and proposed rendering of the property. The applicant amended plans with the roof terrace removed and addition of a Juliet balcony. Therefore, these amended plans (ref 03revA) have been used in the determination of this application.

It was not deemed necessary to re-advertise the amended scheme as the scheme as advertised adequately alerted the public to the nature of the development.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired: 6th June 2024

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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 site is unallocated within the statutory Development Plan for Kirklees which is the Kirklees Local Plan (adopted 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity

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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters
6. Representations
7. 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 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

<u>Loft conversion with rear dormer</u>

Section 5.27 of the Council’s adopted House Extensions and Alterations SPD relates specifically to dormer extensions:

5.27 Dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The design of the rear dormer has been considered acceptable from a visual perspective. While it is large in size, the dormer is set below the ridgeline of the host and set in from the sides. In terms of fenestration, the openings would also have a satisfactory visual appearance, as they would be of a similar size and aligned with ground floor openings to those that already exist on the dwellinghouse. The proposed dormer cladding would also match existing openings on the dwellinghouse. A Juliet balcony with a glass balustrade is also proposed within the rear dormer. Such works would not appear overly prominent and would have a satisfactory visual impact.

Weight is afforded the extent of works capable of being undertaken by utilising permitted development rights, in respect of a rear dormer, and subject to condition the walls of the dormer are of a dark grey colour finish it is considered the proposal would have an acceptable impact visually having regard to the pd fall back which exists in this case.

Rear extension

Kirklees Council's House Extensions and Alterations SPD states that single-storey rear extensions 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 terraced houses or by 4 meres for detached properties;
- Where extensions exceed 3m in length the eaves height should generally not exceed 2.5 metres; and
- Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed rear extension is considered to appropriately abide by the key design principles as set out in the SPD. Although it is acknowledged that the rear extension is not set 1 metre away from the neighbouring boundary to the west, with only a ~0.2 metre gap retained, as the side elevation of the extension is sited along the shared boundary, it is considered there would be no design benefit in setting the extension in by a whole metre and it would be unreasonable of the LPA to request such an amendment in this case.

From a visual amenity perspective, the proposed single storey rear extension at 489, New Hey Road is considered to be a subservient addition, located to

the rear of the property and of a complementing size/scale. The exterior walls of the extension and the side/east elevation of the host property would be finished with render. This would match the rendered gable to the front of the property as well as the varied material palette within the local area, therefore of an in keeping appearance. Furthermore, the proposed lean-to roofing style ensures no undue bulking/massing to the overall design of the extension, ensuring that no obtrusiveness will be caused to the rear of the property. In addition, it is noted that the extension would replace an existing unsympathetic conservatory to the rear elevation.

Whilst it has been acknowledged that the works would create more bulk and massing at the site, it would not result in overdevelopment, as a significant amount of useable amenity space will be retained.

As such, it has been considered that the design of the works, on balance, would be acceptable in this case having regard to the extent of previous additions to the rear of the host property and neighbouring properties which exist already and notwithstanding the intention for render of the building it is considered that the extensions would appear as subservient additions to the host property.

It is recommended that any grant of permission is subject to condition requiring the colour of render to be white or cream. Subject to conditions the proposal is considered to be acceptable in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within 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.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being: 491, New Hey Road and 487, New Hey Road.

Impact on 491, New Hey Road

This neighbour is adjoined to the application property from the west-facing elevation.

The rear elevation of the extension would lie flush with the rear elevation of this neighbour. Given the single storey nature of the extension, it can be concluded that no detrimental impacts of overbearing or overshadowing will be caused as a result of its erection. With respect to the Juliet balcony, given the orientation of the site this opening would not overlook habitable room windows, meaning it is not considered to pose detriment to residential amenity or the living conditions within this neighbouring dwelling.

In addition, it is important to note that extensive boundary treatment is in place between these two neighbouring properties, in the form of fencing and hedging, further working to mitigate any potential impacts of development.

Impact on 487, New Hey Road

No. 487 is located to the east of the application site where the proposed single storey rear extension would be kept within the confines of the existing rear outrigger of the application site, therefore, would not affect this neighbour with regards to being overbearing, overshadowing, or from overlooking.

Whilst there is a limited separation distance between the proposed Juliet balcony and No.491 given that the balcony would be a lightweight addition to the first floor, which appears subservient to the host dwelling, and that there

are no habitable room windows within close proximity to the proposals, it is not considered that the balcony would appear overbearing in nature. As previously acknowledged, the application site and neighbouring properties are elevated above the rear gardens. This ensures that any users of the balcony would look out and over these dwellings, rather than directly into any habitable room windows or their garden areas. Therefore, the proposed works are considered to be acceptable in terms of overlooking/overbearing/privacy.

There are no residential properties located to the rear of the site.

It is recommended that any grant of permission is subject to condition requiring all areas of flat roof to be used as roofs only and not to be used as a balcony or terraced area at any time.

It is therefore considered that in terms of residential amenity, subject to conditon the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The proposed development would intensify the domestic use of the application property, increasing the number of bedrooms on site from 2 to 3. The existing hardstanding surface to the side of the dwelling and hardstanding surfacing to the rear of the site accessed via Longwood Edge Road would be retained, and this is considered acceptable for a 3-bed property in this case.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to 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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local

Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Climate Change

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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

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: 2024/91205

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 91 of the Town and Country Planning Act 1990 (as amended).

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.

3. The external render walls of the rear extension hereby approved shall be of a white or cream colour finish with any slates / tiles used in the construction of the roof of the rear extension hereby approved matching those used in the construction of the existing roof in all respects. Render applied to the host property shall be of a white or cream colour finish. The colour finish of the external walls of the dormer to rear hereby approved shall be dark grey. The materials of construction and colour finishes approved by this condition shall be thereafter retained for the lifetime of the development.
   Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The flat roofs of the development hereby approved shall be used as a roof area only and shall not be used as a balcony or 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, Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			29/04/2024
Climate change statement			29/04/2024
Location Plan	LP 01		29/04/2024
Planning Drawing	2024/013/03	A	13/06/2024

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.

Amended plans were sought regarding the roof terrace to the rear and proposed rendering of the property. The applicant successfully amended plans with the roof terrace replaced with a Juliet balcony. Therefore, these amended plans have been used in the determination of this application.

Report Dated: 17/06/2024

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