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:	**2024/62/91267/W**
Site Address:	8, Talbot Avenue, Edgerton, Huddersfield, HD3 3BH
Description:	Demolition of existing rear extensions, erection of single storey rear extension and associated alterations (within a Conservation Area)
Recommending Officer:	Laura Yeadon

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: 22-Jul-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91267
Location	8, Talbot Avenue, Edgerton, Huddersfield, HD3 3BH
Proposal	Demolition of existing rear extensions, erection of single storey rear extension and associated alterations (within a Conservation Area)
Publicity end date	5th July 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Edgerton Conservation Area; Low risk Coal Mining and bat alert area
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
- NPPF Chapter 15 – Conserving and enhancing the natural environment
- NPPF Chapter 16 – Conserving and enhancing the historic environment

Legislation

- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35 –** Historic environment

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 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

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	No	

Parish/Town Council comments sought	N/A	
Planning History	Yes	2021/90229 - Tree Works – granted
Consultations required	No	

Assessment

The application seeks planning permission for the demolition of the existing rear extensions and the erection of a single storey extension and associated alterations. The existing extension to the dining room and lobby would be demolished along with the existing conservatory.

The proposed extension would be set in from the side elevation facing No. 6 by 1.2 metres and would project a maximum of 6 metres from the rear elevation of the property (with the inclusion of the rear lobby). The main section of the extension would project 4.4 metres from the rear of the property with a canopy held by posts spanning the rear of the property lying flush with the rear elevation of the proposed utility room. The eaves height would be 2.7 metres with an overall height of 3.5 metres. A small section of extension would project beyond the side of the property to create a WC.

It is proposed that the construction materials would be natural stone for the walls, zinc for the roof and aluminium powder coated window frames.

Heritage

The proposal is within the Edgerton Conservation Area however is within a residential area which is characterised by traditional, large, detached properties wet within modest grounds. The extension is designed to be harmonised with high quality materials and to be in keeping with the host and surrounding properties. Officers consider that the proposal would have a neutral impact on the Conservation Area and therefore would not require public benefits to be sought. This would be compatible with Policies LP35 of the Kirklees Local Plan and compatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

House Extensions and Alterations SPD

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:	**Yes - COMPLY**	**No - JUSTIFY**
Preserve a back garden of a reasonable size, with a general principle	Yes	

that at least half the garden area is retained		
Be set behind the original building, and not projecting beyond the sides		The extension would project beyond the side of the property to accommodate a WC which is minimal in terms of size (2m) – would have limited impact on visual amenity due to existing screening
Maintain external access to the rear garden	Yes	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – simple lean-to design, single storey in height and therefore subservient	
not exceed 4 metres in height	Yes	
not project out more than 4 metres from the rear wall of the original house for detached house		No – the maximum projection is 6m with the main body of the extension projecting 4.4m. However, there would be a limited impact due to it being to the rear and well screened from the roadside. Furthermore, there are other large projections in rear elevation street scene
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – eaves height would be 2.7m – not considered detrimental to visual amenity
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes	

Design and Visual Amenity:

Summary of local street scene/character: Two storey detached property located within a street scene with large traditional dwellings on the northern side of the road with more modern, closely detached property on the southern side of the road.

The property is set back from the roadside by approximately 20 metres and hosts garden areas to the both the front and rear of the dwelling itself. The property is constructed from stone with a rosemary tiled roof. Bay windows to the front of the property are a recurring feature within the street scene.

There is a driveway to the side which has a turning head to the front of the property which leads to a detached garage. It is proposed that the garage would be retained as part of the development works.

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	More in keeping with the host dwelling than the existing extension which appear as piece meal extensions – would improve the overall appearance of the dwelling when viewed from the rear	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient due to being single storey and constructed from matching materials	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	As above	✓

	• Chapter 12 of the NPPF		
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Wall materials would match – roof would be zinc however would ensure that the extension is read as such	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Simple lean-to roof form	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	2 banks of floor to ceiling openings within the main section of the extension mostly aligning with first floor openings – 2 windows proposed within the lobby are proportionate	✓
Accessibility for all users	• KDP 17of 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:

The main properties affected are:

- 6 Talbot Avenue – neighbouring property to the east – separated by driveways to both properties – door and window within side elevation of the extension facing this property however would be non-habitable accommodation and would face the rear parking area of this property
- 10 Talbot Avenue – neighbouring property to the west – window facing this property which would be likely obscure glazed due to being a WC – limited impact as well screened by trees and boundary wall
- The Willows – property beyond rear boundary – separated from the property by approximately 40m and therefore minimal concerns

	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	Windows within side elevations are non-habitable and sufficiently screened/separated from neighbours – rear elevation openings face garden area	✓
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	Limited impact due to being single storey and good separation to neighbours	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	As above	✓

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:

	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	N/A	✓
Parking provision	• KDP 15 of the SPD	N/A	✓

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF		
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however 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:

	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	Shown on plan but unaffected	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. A Climate Change Statement has been supplied. As such, no special measures required in terms of the planning application with	✓

		regards to carbon emissions.	
Contaminated and unstable land	• Policy 53 of the KLP • Chapter 15 of the NPPF	No identified specific risk on Council records	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden would be mostly retained with soft landscaping. 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	N/A	N/A

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: 2024/91267

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, LP30 and LP35 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 House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external wall materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within 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, existing site plan, floor plans and elevations	3567 (0-) 03 – Rev: A		29th May 2024
Proposed site plan	3567 (0-) 07		20th May 2024
Proposed floor plans and elevations	3567 (0-) 06 – Rev: A		29th May 2024
Climate Change Statement	Appendix A		20th May 2024
Heritage Statement	3567		3rd May 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.

Report Dated: 22nd July 2024

Coal – low