

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:	2024/62/91296/W
Site Address:	33, Swallow Lane, Golcar, Huddersfield, HD7 4NB
Description:	Demolition of existing conservatory and erection of single storey rear extension (within a Conservation Area)
Recommending Officer:	Molly Storer

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 17-Jul-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91296
Location	33, Swallow Lane, Golcar, Huddersfield, HD7 4NB
Proposal	Demolition of existing conservatory and erection of single storey rear extension (within a Conservation Area)
Publicity end date	27 th June 2024
Number of representations received	The proposal was advertised as affecting the setting of Golcar Conservation Area via site notice and newspaper advertisement and also advertised via neighbour notification letters. No third party representations were received. An assessment of the impact of the development upon the setting of the Conservation Area is undertaken in the following report.
Kirklees Local Plan Allocation/Designation	The site is unallocated on the Kirklees Local Plan however is located within the Golcar Conservation 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	✓	
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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

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
- **LP 35** – Historic Environment
- **LP 51** – Protection and improvement of air quality

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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- 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	No	
Planning History	No	
Consultations required	No	

Assessment

Description of development:

The application seeks permission for the demolition of the existing conservatory and erection of replacement single storey rear extension. The extension would have a projection of 3m, a width of 5.6m and a height from the rear garden level to the eaves of 2.6m and an overall height of 4.025m with a lean-to roof design. The main construction materials would be natural

stone and slate tiles to match the design of the host property. Additional living space would be created on the ground floor.

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	Yes – the garden area to the rear and the amenity space to the front would be retained.	
Be set behind the original building, and not projecting beyond the sides	Yes – the extension would be set behind the original building and not project beyond the side elevations.	
Maintain external access to the rear garden	Yes – access to the rear garden would be maintained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes – due to being single storey in height and having a width which is the same as the original house it is considered to be keeping with the scale of the original dwelling. The usage of harmonising materials and removing the glazed conservatory addition means the extension is considered to be in keeping with the style of the original house.	
not normally cover more than half the total	Yes – does not cover more than half of the	

area around the original house (including previous extensions and outbuildings)	total area around the original house.	
not exceed 4 metres in height		No – the majority of the extension will measure 4.025m from the ground level to the roof ridge. A small section, due to a change in land levels, will measure 4.375m from the ground level to the roof ridge. This is considered acceptable due to the extension not affecting first floor windows and appearing proportionate to the original dwelling.
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	Yes – the house is an end of terrace and the extension will project exactly 3m.	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A – does not exceed 3m in length.	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – only a 0.3 gap will be maintained. However in this instance this is considered acceptable due to the existing conservatory projecting 1.8m the proposed extension would only project 1.2m further than this. In addition, the new extension will remove the glazing currently facing this neighbouring property.

Design and Visual Amenity:

Summary of local street scene/character:

The application site relates to 33 Swallow Lane, the existing dwelling is a two storey, end of terrace property in the area of Golcar. The house is set slightly above the road level and is accessed via steps to the front of the property. The site benefits from amenity spaces to the front and rear and benefits from a detached garage located in the rear garden. The main construction materials are natural stone with white UPVC windows and doors. The surrounding development is predominantly residential with properties on of a similar age and style.

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	Due to the location of the house set back from the main road and due to the limited scale and positioning to the rear, the extension will not be particularly visible from public viewpoints nor disrupt the street scene.	✓
Impact on the Conservation Area	• Policy LP35 • Chapter 16 of the NPPF	Due to listed buildings being a sufficient distance from the application site, with intervening development and due to the scale and nature of the development which is small in scale and matches the appearance of the he existing building (removing the conservatory which does not particularly fit the nature of the property), it is considered that there will be no significant	

		impact to the character of the Conservation Area or its setting.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Due to the extension being single storey in height and not affecting first floor windows, in addition to being built from matching materials it is considered they will not have a negative impact on the original house.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The predominant material would be stone with a slate tiled roof. Considered acceptable due to matching the original property.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	A single obscurely glazed window located in the east side elevation and bi-folding doors located in the rear elevation which are not considered to cause significant harm.	✓
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:

The main properties affected are:

4, 6 & 8 Carolan Court: Properties located to the east/southeast of the application site – due to a large driveway separating the rear of these dwellings and the application site there will remain a ~6m gap. In addition the limited scale and height of the extension means that there will be no significant overbearing/overshadowing to these properties. In terms of privacy

there will only be one obscurely glazed window located in the side elevation facing onto these properties which is not considered to impact the privacy of these neighbours.

12 Carolan Court: Property located to the rear of the application site: Although the proposed bi-folding doors will face in the direction of this neighbour due to the large ~2m hedge on the boundary and a 13m separation distance the extension is not considered to significantly affect privacy nor have an overbearing impact.

35 Swallow Lane: Adjoined property located to the west of the application site – Impact to this property will be assessed below.

	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	There are no windows proposed in the elevation which looks onto No.35. Instead, glazing from the existing conservator will be removed, increasing privacy.	✓
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	Although the extension may cause some level of shadowing in the early hours of summer months this is not considered reason for refusal due to the existing conservatory already creating shadowing – this will not be increased by a significant amount	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space located to the rear of the site.	✓

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	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal would not affect existing parking arrangements, therefore it is considered the proposal is acceptable in terms of parking onsite.	✓
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	N/A	N/A

	• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	While the site is within a bat alert layer, the small scale alteration to the host is not considered to have significant impacts to roosting potential. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and grant of permission which alerts the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found.	✓
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 considered to be 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

Conclusion:

Regard has been given to the duties of the LPA in relation to Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In this case the proposal is considered to preserve the character given its scale, and distance from the Conservation Area.

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: 2024/91296

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

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 be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 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
Climate change statement	-	-	17/05/2024
Heritage impact statement	-	-	22/05/2024
Application form	-	-	17/05/2024
Existing plans	33SL/P02	-	17/05/2024
Proposed plans	33SL/P02	-	17/05/2024

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/negotiations were not considered necessary with this application.

Report Dated: 01/07/2024