

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:	2024/62/91303/W
Site Address:	34, Marcus Way, Mount, Huddersfield, HD3 3YA
Description:	Erection of two storey rear extension
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.

Julia Steadman

AUTHORISED OFFICER

Date: 05-Jul-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91303
Location	34, Marcus Way, Mount, Huddersfield, HD3 3YA
Proposal	Erection of two storey rear extension
Publicity end date	20/06/2024
Number of representations received	One received
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	EoT Date: 08/07/2024
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).

- 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	Yes	Amended plans were sought to change the roof design from flat to gable. The applicant successfully submitted the plans that reflected the suggested amendments therefore, these amended plans have been used in the determination of this application.
Parish/Town Council comments sought	N/A	

Planning History	Yes	2006/94994 ERECTION OF CONSERVATORY <i>FC – CONDITIONAL FULL PERMISSION</i> 94/91964 – ERECTION OF FIRST FLOOR EXTENSION <i>FC – CONDITIONAL FULL PERMISSION</i> 86/03175 Extension to first floor to form an additional bedroom <i>RF – REFUSED</i>
Consultations required	No	
Representations received	Yes	1 Comment The hedge on the proposed plans belongs to 34, Marcus Way, not the neighbouring property.

Assessment

The application seeks permission for a two-storey rear extension.

The measurements of the extension are as follows:

- ~2.7m projection
- ~3.3m width
- ~5.2m eave height
- ~6.5m ridge height

The exterior walls would be constructed from brick with a gable roof above, infilled with tiles to match the host. The south-facing elevation of the extension would lie flush with the host.

With regard to fenestration, the extension proposes glazing to the rear/ east facing elevation. This is in the form of full-height patio doors to the ground floor with a window above serving the first floor. All of the forms of the glazing would be upvc to resemble the appearance of existing openings on the application property.

An existing door within the side/south facing elevation would be removed and replaced with a high level upvc window to match existing windows on the host.

Internally, the extension would provide a dining room extension to the ground floor and bedroom extension to the first floor.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (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 is retained.	
Be set behind the original building, and not projecting beyond the sides	The extension would not project beyond the side elevations of the host.	
Maintain external access to the rear garden	External access to the rear garden would be retained.	
Respect the original house and garden in terms of its size and scale	The extension would be proportionate to the host in terms of size and scale.	
Use appropriate materials which match or are similar in appearance to the original house	Materials to match the host.	
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties	The works would not cause detrimental overshadowing/loss of outlook to neighbouring properties.	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Minimal ~2.7m projection with a ridge set down from the host	

	would appear proportionate to the original house.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	The extension would not cover over 50% of the total area of land around the original house.	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	The extension would comply with this criteria.	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary	The extension would be ~1m from the shared boundary with an eave height of ~5.2m.	In this case, it is considered there would be no design benefit in setting the extension in by 1.5m and it would be unreasonable of the LPA to request such an amendment in this case.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre	The extension would be ~1m from the shared boundary	In this case, it is considered there would be no design benefit in setting the extension in by 1.5m and it would be unreasonable of the LPA to request such an amendment in this case.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	The extension would not adjoin a neighbouring boundary.	

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

Summary of local street scene/character:

34, Marcus Way is a two-storey detached dwelling located in Mount. The property benefits from a small lawned garden to the front with an area of hardstanding currently used as parking. To the rear of the dwelling is a lawned garden.

With regard to the wider street scene of Marcus Way, the property is set within a residential area where there is a strong extent of similarity with regard to the harmonising appearance of the properties. All of the properties have a very similar style of design and construction, detached with a brick exterior.

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	Located to the rear of the dwelling with limited views from public vantage points. Constructed from materials to match the host and surrounding development.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The extension would not over dominate the host in terms of size and scale. Minimal projection with the ridge set down from the existing property.	✓
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	Two storey in height with ridge set down from host – appears a proportionate addition.	✓

Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Brick to match existing.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Following amendments, the proposed roof form would be gable in design to match the host.	✓
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 opening to the ground floor with one window to the first-floor element of the extension considered acceptable.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to access.	✓

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:

- 32, Marcus Way – located to the south of the application site.

The extension would be set ~1m from the shared boundary. This property has also previously been extended with a single storey rear extension sited along the shared boundary. This would mitigate the detrimental harm to overshadowing/overbearing at this neighbouring property. There are no windows proposed within the side elevations of the extension, only a side/south facing door to be replaced with a high-level window. Given the existing relationship between these neighbouring dwellings, this additional window would not detrimentally overlook these neighbours' gardens.

- 36, Marcus Way – located to the north of the application site.

The impact of the extension to this neighbour would be mitigated by the existing development at No.34. The extension would be set off this shared boundary by approximately 7.5m which is considered sufficient in mitigating detrimental overshadowing/overbearing impacts to this neighbour. There are no openings proposed in the side/north facing elevation which would face this neighbour. Therefore, it is considered that the extension would pose no significant impact upon privacy greater than that which already exists. The existing conservatory to No.34 along this shared boundary further works to mitigate any potential impacts of development.

- 81 & 83 Moorlands Road – located to the rear/east of the application site.

These neighbours are a pair of semi-detached bungalows located to the rear of the site. A separation distance of approximately 22m would be achieved from the rear elevation of the extension to the rear elevation of these neighbours. This is sufficient in mitigating detrimental harm to overlooking/overbearing/overshadowing at these properties.

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

	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	• KDP 7 of the SPD	Over half the garden space would be retained.	✓

application property	• Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF		
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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 • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. The proposed parking arrangements are considered to be acceptable	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however there is sufficient space within the red line boundary to accommodate waste storage,	✓

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 - the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. Note 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 NPPE.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
1 Comment The hedge on the proposed plans belongs to 34, Marcus Way, not the neighbouring property.	Amended plans have been received showing the hedge within the red line boundary of 34, Marcus Way. These amended plans have been used in the determination of this application.	✓

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: 2024/91303

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.

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.

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			15/05/2024
Climate change statement			15/05/2024
Location Plan	MW01.#		15/05/2024
Existing Site Plan	MW02.A	A	24/06/2024
Existing Plans and Elevations	MW03.#		15/05/2024
Existing Site Plan	MW04.A	A	24/06/2024
Proposed Plans and Elevations	MW05.A	A	24/06/2024

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 to change the roof design from flat to gable. The applicant successfully submitted the plans that reflected the suggested amendments therefore, these amended plans have been used in the determination of this application.

Report Dated: 02/07/2024

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