

**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:	2024/62/91347/W
Site Address:	15, Colwyn Street, Marsh, Huddersfield, HD1 4PF
Description:	Erection of single storey side and rear extensions with front and rear dormers
Recommending Officer:	Laura Yeadon

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: 10-Jul-2024

Officer Report

[Website](#)

Site Description

15 Colwyn Street is a semi-detached, two storey dwelling located within an area without notation on the Kirklees Local Plan. The property is located within a corner plot on the junction with Colwyn Street and Imperial Road. The ground floor front elevation is constructed from stone with the ground floor of the side and rear elevations being red brick. A cream-coloured render is the finishing materials at first floor on all three elevations with the roof finished in blue/grey slate. To the front of the property is a bay window and porch and to the rear is a single storey outrigger. Also to the rear is a single garage and driveway which is accessed off Imperial Road. Amenity space is located to the front, side and rear of the property.

Surrounding development consist of residential properties which are comprised of mainly semi-detached and terraced dwellings.

Description of Proposal

The application is for the erection of single storey side and rear extensions with front and rear dormers.

Single storey side extension

The proposed single storey side extension would be set back from the main front elevation of the property by 0.5 metres and projecting to the side by 4 metres. The extension would span the depth of the property, projecting off the rear of the rear of the property by 3 metres. The eaves height would be approximately 3.3 metres rising to a height of 4.2 metres. It is proposed that the front elevation of the extension would be constructed from natural stone with the side and rear elevations being constructed from red brick with the roof being blue/grey slate.

Single storey rear extension

The proposed single storey rear extension would be constructed up to the shared boundary with the attached neighbouring property projecting 3 metres from the rear elevation of the property and spanning the full width of the rear elevation of the property and the proposed side extension. The eaves height and ridge height would be a continuation of those of the side extension taking into account the topography of the site. The proposed side and rear elevations of the extension would be constructed from red brick with the roof being blue/grey slate.

Front dormer

The proposed dormer to the front of the property would be set up from the gutter line by 0.5 metres and set down from the roof ridge by 0.3 metres. The total width of the dormer would be 3 metres and would be set in from the side elevation and the shared boundary of the property.

Rear dormer

The proposed rear dormer extension would be larger than the front dormer being set up from the gutter line by 0.2 metres and set down from the roof ridge by 0.3 metres. The total width of the dormer would be 4.3 metres and would be set in from the side elevation and the shared boundary of the property.

History of negotiations/amendments received

Initial concerns were raised with regard to the introduction of a dormer to the front elevation of the property and also the width of the side extension spanning the full available width of the plot, the requirements of the SPD in relation to corner plots and also the resultant shortfall of off-street parking. In response, and in accordance with the SPD, the applicant has submitted justification with regards to the proposed work. This justification shall be considered as part of the assessment of the scheme.

Relevant Planning History

2006/92000 Erection of front and rear extensions
Conditional Full Permission

2016/90661 Erection of rear and side extension
Conditional Full Permission

Representations

We are currently undertaking the legal 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 28th Jun 2024 – no representations received

Consultation Responses

None required

Policy

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

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “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.”
- Principle 2 – that “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.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 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

With specific regard to the proposed development the SPD states that in terms of side and rear extension and dormer extensions, the SPD states:

Single storey side extensions

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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 terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Dormers

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. It states that these 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 property is also set within a corner plot whereby within paragraph 5.23 of the SPD states that on corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street; Being set back from the existing building line on both streets; and
- Following the boundary treatment along both streets, in relation to its position, height and materials.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

Taking each element of the proposal in turn, the single storey side extension would not extend more than two thirds of the width of the original property and would be set back from the front elevation of the property by 500mm as required by the SPD. It is noted that the extension would be more than 4 metres in height when measured from the front elevation due to the sloping nature of the site however, it is not considered that the additional 0.2 metre height above 4 metres would cause harm to the visual amenity of the area and is therefore considered to be acceptable in this regard.

In terms of the proposed rear extension this would extend behind both the original property and the proposed extension with a projection of 3 metres. The extension would be subservient to the host property being single storey in height and, taken in isolation would not cover more than half the total area around the original house. The height of this element of the scheme would not

exceed 4 metres. Whilst the rear extension would not retain a 1 metre gap between the shared boundary with the attached neighbouring property, it is important to note that permitted development rights for the construction of extensions have not been removed from the property and therefore, a 3 metre projecting extension built up to the boundary could be constructed without the requirement of planning permission, subject to conditions. Therefore, it is not considered that the proposed rear extension and side extension, forming a wraparound extension would cause such harm to the visual amenity of this residential area to warrant refusal in this case.

The proposed dormer extensions would be located on the front and rear elevations of the property. The dormers would not dominate the roof or project above the ridge of the property, would be set below the ridgeline and within the roof plane with acceptable siting of the openings. The dormers are of a sufficient dimension to retain the original roof form to be clearly read and therefore, in terms of visual amenity, are considered to be acceptable.

The property is sited within a corner plot and therefore, paragraph 5.23 of the SPD is of relevance. As the proposed side extension would span the width of the plot abutting the boundary with the roadside, concerns were raised with regard to the loss of a sense of space around the building and it was requested that the extension be set in from the side boundary. In response, the applicant has referred to another property within the locality with a similar arrangement to that propose in this case, which obtained planning permission. In addition it is noted the planning history of the site (ref: 2016/90661) would allow for a similar size / scale of development to be completed to the side given this consent was part implemented. In this case there is considered to be sufficient justification present, as required by the house Extensions and Alterations SPD, in relation to this element of the scheme.

Whilst two frontages would not be created, given the proximity of the works to the public highway, this is a similar situation as that previously permitted, and which can be lawfully completed, therefore the absence of creating a frontage within the side elevation of the building is considered to be acceptable in this case.

The proposed construction materials for the development are listed within the application form as to match existing. Notwithstanding this, a condition shall be attached to the decision notice stating that construction materials shall match the host property or in the case of the dormer be of a dark grey colour finish. This would ensure that the proposal results in a development which would be in keeping with the host property

The extensions and proposed dormers are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of 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 main properties that would be affected by the proposal would be the attached neighbouring property, No 13 Colwyn Street, the facing property to the front, No. 28 Colwyn Street and the property to the rear of the site, No. 54 Imperial Road.

With regards to the impact on the attached neighbouring property No. 13, the part of the development closest to this dwelling is the single storey rear extension. As noted above, an extension with the same projection as proposed within this application could be constructed without the requirement of planning permission, subject to conditions, and therefore, the principle of extending the property to the rear is already established. The extension would be located to the north-west of this property and therefore there would not be significant harm by virtue of a loss of direct sunlight and therefore the overshadowing impact is concluded as acceptable in this case. There are no proposed openings within the side elevation of the extension facing this property and therefore there are minimal concerns in relation to overlooking this property.

In terms of the facing property, as the side extension would be set back from the main body of the property and that the dormer extension would be set within the confines of the existing roof space, no separation distances would be reduced and therefore minimal harm would be caused from overlooking, overshadowing or being overbearing.

With regard to 54 Imperial Road to the rear of the property, due to the presence of the detached garage with the application site, this would mostly screen the openings within the rear elevation of the proposed extension from view. Whilst 2 no. openings are located at first floor level within the side elevation of this property, it appears that these are non-habitable openings and therefore there are minimal concerns regarding a loss of amenity to either the occupiers of the application site or this particular neighbour.

The proposed dormers would be of a scale which is not considered to lead to significant levels of overshadowing or be unduly oppressive / overbearing to neighbouring occupiers. The levels of overlooking which would result from the dormers would not be significantly greater than that which can take place from the property already.

Therefore, it is considered that the proposed development is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or

overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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.

In this case the submitted plans indicate that the property would result in a 5 bedroom dwelling as the bedroom numbers are annotated on plan. The SPD requires that for 4+ bedroom dwellings require 3 off-street parking spaces. The property benefits from a driveway to the rear which can accommodate a car and garage provision. Concerns were raised as the garage provision falls short of the modern standards in terms of dimensions and therefore, there would be a shortfall of 2 no. off-street parking spaces. In response, the applicant has submitted justification with regard to parking standards.

On-street parking is available within close proximity of the site and the property is within a sustainable location and therefore, in this instance, it is not considered that the resultant works would cause significant harm to highway safety or on parking provision. Weight is afforded to the level of works which could take place in any event, having regard to the planning history of the site / permitted development rights which could be utilised.

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 concluded that the proposal would be acceptable in terms of impact upon access and highway safety and parking in accordance with the aforementioned policies.

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 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.

A Climate Change Statement has been submitted with the application which provides sufficient mitigation measures as part of the proposed works which are considered to be acceptable.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

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: 2024/91347

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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51 and LP53 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 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. The external materials used in the construction of the walls of the dormers hereby approved shall either be finished in dark grey colour finish or be tiles / slates which, in all respects, match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Location plan and site plan	A1-CAD/01		14 th May 2024
Existing floor plans	A1-CAD/02		14 th May 2024
Proposed floor plans	A1-CAD/03		14 th May 2024
Existing and proposed roof plan and front elevations	A1-CAD/04		14 th May 2024
Existing and proposed side and rear elevations	A1-CAD/05		14 th May 2024
Existing and proposed side elevation and section	A1-CAD/06		14 th May 2024
Climate Change Statement	Appendix A		17 th May 2024
Application Form			14 th 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.

Initial concerns were raised with regard to the introduction of a dormer to the front elevation of the property and also the width of the side extension spanning the full available width of the plot, the requirements of the SPD in relation to corner plots and also the resultant shortfall of off-street parking. In response, and in accordance with the SPD, the applicant has submitted justification with regards to the proposed work.

Report Dated: 9th July 2024

Coal – low