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:	**2024/62/91418/W**
Site Address:	68, Swallow Lane, Golcar, Huddersfield, HD7 4NB
Description:	Erection of two storey rear extension and associated alterations (within a Conservation Area)
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Apr-2025

The Site

68, Swallow Lane relates to an end-terrace dwelling located in Golcar, Huddersfield. The property is finished in stone and a pitched roof incorporated above finished in slates, and benefits from a small lean-to porch to the front of the dwelling. To the rear is a lawned garden, and there is a private access track along the rear of the terraced row.

The site is located on the edge of Golcar Conservation Area.

The Proposal

The applicant is seeking planning permission for Erection of two storey rear extension and associated alterations (within a Conservation Area). The measurements of the extension are as follows:

- 1.8m projection
- 5.5m width
- 6.2m eave height
- 7.8m total height

The extension is finished in stone with a pitched roof above which is finished in slates. The ridge of the extension is set down around 0.5 metres from the host dwelling with a rooflight proposed to the rear roof slope of the main house. The extension is set in from the side/ west elevation by 150mm.

Internally, the extension serves an extended kitchen space at ground level and an extended bedroom and bathroom at first floor.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

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 a site notice, press notice, and neighbour notification letters (this application was advertised prior to the DM Charter update).

Final publicity date expired: 16th August.

No representations were received as a result of the publicity.

Consultations

KC Conservation and Design: no objection, subject to the imposition of materials and rooflight condition.

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 statutory Development Plan for Kirklees is the 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
- LP35 Historic Environment

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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 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).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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 of appearance of Conservation Areas.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

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 upon visual amenity (including impact upon designated heritage asset)

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.

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 of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

At paragraphs 212 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case, the proposed extension, while two storeys in height, is modest in its overall projection and is considered to have a neutral impact on the character and setting of the Golcar Conservation Area. The extension has been designed with materials that match those used on the front and rear elevations of the original dwelling. It is also discreetly located to the rear of the property and set in from the sides, helping to ensure it does not appear unduly prominent from public viewpoints.

Throughout the course of the application, the Council's Conservation and Design officers have been consulted and raised no objections to the proposed extension. This is attributed to its complementary design, sensitive siting, and the use of matching materials which respect the character of the host dwelling and its setting.

To ensure the development maintains an acceptable impact on the Conservation Area, it is considered necessary to impose conditions requiring the external walling and roofing materials to match those of the existing dwelling, and for the proposed roof light to be of a conservation style

As no harm has been identified it is not necessary to weigh the public benefits of the proposal in this instance.

In conclusion, subject to conditions it is considered that the extension would not lead to harm in the Conservation Area and would have a neutral impact on the designated heritage asset.

Sections 5.8, 5.9 and 5.10 of the Council's House Extensions and Alterations SPD are considered to be of relevance to the determination of this application.

Section 5.8 provides the following guidance:

Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The proposed two-storey extension would project 1.8m from the original rear elevation of the dwelling, measure 6.2m at eave height and 7.8m to the ridge.

The modest scale of the extension is proportionate to the size of the original dwelling and would not exceed 50% of the total curtilage of the property. While the development would be located within 1.5 metres of the side boundaries, any potential visual impact is mitigated by its limited projection coupled with the set-down ridge from the main house. As a result, the extension would not appear obtrusive or create an unbalanced visual effect in relation to the host property.

The proposed materials would match the host dwelling. These should be conditioned to match to ensure the proposal has an acceptable visual impact which is in keeping with the original house and local character.

The submitted floor plans demonstrate that the proposed extension would not project beyond the existing conservatory at No. 66. As such, it would not adversely affect any habitable room windows located in close proximity to the shared boundary. Furthermore, the plans confirm that the extension would not interfere with the 45-degree line taken from the centre of the neighbouring first-floor window, ensuring there would be no unacceptable impact in terms of loss of light.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 and LP35 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 design 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:

<u>66, Swallow Lane</u>

This neighbouring property adjoins the application dwelling to the east.

In terms of overlooking, the submitted plans show no windows are proposed to the side elevations. The only windows are proposed to the rear, and these would overlook the application property's rear amenity space.

With regard to overbearing and overshadowing impacts, officers acknowledge that the proposed extension would be situated in close proximity to the common boundary (175mm). However, any potential adverse effects are considered to be mitigated by the extension's modest rear projection and the fact that it would not extend beyond the existing conservatory at No. 66. In terms of the 45-degree line, although not shown on the proposed plans, officers have assessed

that the extension would not encroach beyond a 45-degree line taken from the first-floor windows on the original rear elevation of No. 68. This is considered sufficient to demonstrate that the extension would not result in an overbearing or overly dominant impact on this neighbouring property.

For the aforementioned reasons, it is therefore concluded that the proposal does not give rise to any adverse impacts upon occupiers of No.66.

The proposed development would be situated approximately 14 metres from No.1, Woodroyd and 18 metres from No.2, Woodroyd. Due to these separation distances, Officers have no concerns with regard to overlooking, overshadowing, or the loss of light on this occasion. Immediately to the west is a single garage which would not be impacted by the proposal.

It is therefore considered that in terms of residential amenity, 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 not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. The site does not appear to benefit from any off-street in curtilage parking. However, the site is close to the services, amenities and facilities of Golcar, as well as public transport links on Swallow Lane. The site is therefore considered to be in a sustainable location supporting car free use and the shortfall in parking provision is acceptable in this instance.

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: 2024/91418

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).

1. 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 & LP35 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

2. The external walls of the extension hereby approved shall be faced in stone which in all respects matches those used in the construction of the existing dwelling. The roofing materials shall in all respects match those used in the construction of the existing dwelling. The materials of construction shall be thereafter retained.
   Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 & LP35 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 & 16 of the National Planning Policy Framework.

3. The rooflights hereby approved shall be Conservation style or similar and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. The rooflights approved by this condition shall be retained thereafter.

Reason: In the interest of preserving the heritage value of the Conservation area, in accordance with the requirements of Policy LP35 of the Kirklees Local Plan Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20/05/2024
Site Plan as Proposed and Existing	003	-	28/06/2024
Plans and Elevations as Existing	001	-	20/05/2024
Plans and Elevations as Proposed	002	-	20/05/2024
Application form	-	-	20/05/2024
Climate Change Statement	-	-	28/06/2024
Design and Access Statement	-	REV A	28/06/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 23/04/2025