

**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:         | <b>2024/62/91464/E</b>   |
| Site Address:         | The Meadows, 3, Ash Farm Court, Thurstonland, Huddersfield, HD4 6WR  |
| Description:          | Erection of sun room, installation of replacement windows and doors and alterations (within a Conservation Area) |
| Recommending Officer: | Elenya Jackson   |

**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: 12-Aug-2024**

## **Officer Report**

### **Site Description**

The application site is 3 Ash Farm Court, Thurstonland, Huddersfield, HD4 6WR.

The property is a two storey detached dwelling which benefits from a reasonable amount of amenity space to the eastern elevation of the dwelling. The site has had several previous permissions for the erection of the application dwelling, with the most recent being in 2011 which is reflective of the development on site.

The property is located to the rear of development that forms the street scene and is therefore set back from the public realm. The dwellings that comprise the area are not uniform in appearance however they are constructed out of stone which creates cohesion in the street scene. The property forms part of a small development of properties which are of similar vernacular.

The surrounding area is residential in nature; medium density and relatively linear in location.

The site is located within Thurstonland Conservation Area and has had its permitted development rights removed. The site is also enclosed to the east by the Green Belt but this does not encroach the redline boundary of the site.

### **Description of Proposal**

Planning permission is sought for the erection of a single storey rear extension/sun room. The scale of this has been reduced at officers request and would now extend 4m beyond the rear elevation of the host property and have a width of 4m. This would be constructed with an aluminium frame and would feature a flat roof.

The proposal would also amend the rear elevation windows to feature a full sized patios style window at ground floor and larger windows at first floor level.

All windows on the property would also be amended to an aluminium finish.

### **History of negotiations/amendments received**

Officers requested that the scale of the proposal was reduced following discussions with conservation officers.

### **Relevant Planning History**

2006/95353 - Outline application for erection of house and garage (within a conservation area - Conditional Outline Permission

2008/93778 - Erection of detached dwelling with integral garage (within a Conservation Area) - Refused

2008/92418 - Erection of detached dwelling with integral garage (within a conservation area) - Refused.

2009/91237 - Erection of house and garage (within a Conservation Area) - Conditional Full Permission

2011/91604 - Erection of detached dwelling with integral garages (within a Conservation Area) - Refused

2011/93400 - Erection of detached dwelling with integral garage (Modified Proposal) (Within a Conservation Area) - Full Conditional Permission

2012/93879 - Discharge conditions 3 and 4 on previous permission  
2011/93400 for erection of detached dwelling with integral garage (modified proposal) (Within a Conservation Area) - Approved

### **Representations**

This application was publicised by neighbour letters, a site notice and advertisement in the Huddersfield Examiner, for which the consultation period expired on 19<sup>th</sup> July 2024. Following this publicity, no representations were received from neighbours or members of the public.

Amended plans were received on the request of the case officer however due to the reduction in the scale, re-notification was not deemed necessary.

### **Parish/Town Council comments**

None.

### **Consultation Responses**

KC Conservation and Design – initially requested a reduction of the proposal as the contemporary design would be visible from other vantage points in the Conservation Area. The scale of the proposal has been reduced and the application processed with the amended plans.

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 within the Thurstonland Conservation area on the Kirklees Local Plan.

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 predates 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.

**Kirklees Local Plan:**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 35** – Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment
  - Chapter 16- Conserving and enhancing the historic environment

**Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)

- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

#### 1 – Principle of development:

The site is in the Thurstonland Conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Policy LP35 of the Local Plan and Chapter 16 of the NPPF state that harm to heritage assets should not be allowed without a proportionate justification. Also of particular relevance is Policy LP24(c) of the Local Plan which requires that 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. Any implications for highway safety will also be considered as required by Policies LP21-22.

The Householder Extensions and Alterations SPD is also material consideration and any departure from the proposals contained within it must be clearly justified.

#### 2 – Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

Key Design Principles 1 and 2 set out general guidelines for assessing impact on character and visual amenity:

KDP 1 – Local character and the street scene – Extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.

KDP 2 – Impact on the original house – 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.

LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness. Proposals within Conservation Areas should conserve those elements which contribute to their significance.

The House Extensions and alterations SPD states that single-storey rear extensions should comply the following:

- 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
- if 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

The entire site is within the Thurstonland Conservation Area. The proposed rear extension would have a depth of 4m, would be set in from the shared boundary of the dwelling and not extend the full width of the site. It is considered that the reduced scale of the proposal would be acceptable in the context of the host property in that it would not dominate the property, would have limited visibility from the public realm and therefore would not have any significant harm on the character of the Conservation Area.

The proposal would also amend the design and materials of the windows in the property. It is considered that other properties within the immediate building group of the property have similar designed windows and therefore the proposal would be acceptable.

Given the above, the proposal would comply with Policies LP24 and LP35 of the KLP in terms of visual amenity and the historic environment. As such, the proposal is also not considered to be in accordance with national policy in the NPPF Chapters 12 and 15 or KDP 1-2 of the House Extensions and Alterations SPD.

### 3- Residential Amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Key design principles 3 (privacy), 5 (overshadowing/loss of light), and 6 (preventing overbearing impact) of the Kirklees House Extensions and Alterations SPD expand upon Policy LP24 and are discussed below.

It is considered due to the scale, design and location of the proposed alterations, no significant issues would arise regarding the residential amenity of neighbouring residents.

Given the above there would be no adverse impact on residential amenity from the proposals which are considered in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF.

#### 4- Parking:

The number of bedrooms would remain the same on site and no parking would be displaced as result of the development.

Given the above, the application is considered to comply with the aims of Policy LP22 of the KLP.

#### 5 – Other matters:

##### *Carbon Budget*

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

#### 6 – Representations:

No representations received.

### **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 for 'Erection of sun room, installation of replacement windows and doors and alterations (within a Conservation Area)' at The Meadows, 3, Ash Farm Court, Thurstonland, Huddersfield, HD4 6WR has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. The proposal would have an acceptable impact on the character of Thurstonland Conservation Area.

**Recommendation: APPROVE**

### **Decision Authorisation - Delegated Powers**

**Application Number** 2024/91464

**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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24 and LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

| <b>Plan Type</b>                           | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--|------------------|----------------|----------------------|
| Existing and Proposed plans and elevations | 23072D-01-P08    |                | 30/07/2024           |

| <b>Plan Type</b>         | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--------------------------|------------------|----------------|----------------------|
| Climate Change Statement | 23072            |                | 23/05/2024           |
| Heritage Statement       | 23072S           |                | 23/05/2024           |

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 has, 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.

The scale of the extension was requested to be reduced following discussions with Conservation.