

**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:	2024/62/91470/W
Site Address:	1, Annottes Croft, Dalton, Huddersfield, HD5 9RJ
Description:	Erection of two storey side and single storey rear extensions with front porch
Recommending Officer:	Joanna Rednall

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: 26-Jul-2024

The Site

1, Annottes Croft is a two-storey semi-detached property located in Dalton, Huddersfield. The exterior walls are constructed from pebble-dash render with a hipped roof above, infilled with slate tiles. The property benefits from a lawned garden to the front and side, with an area of hardstanding surfacing to the rear. The site is located on a corner plot.

The site is located within a wider residential area where surrounding development comprises of similar semi-detached properties with hipped roofs. The material palette is mixed, with the majority of properties surrounding the site constructed from red brick. Boundary treatments consist of hedging.

The Proposal

Permission is sought for the erection of a two-storey side and single storey rear extensions with a front porch.

Two storey side extension

The two-storey side extension would project 3.2 metres from the west-facing elevation with a length of 6.9 metres. The extension would have an eave height of 4.6 metres with a total height of 7.4 metres. The front elevation would be set back 500mm from the front elevation of the host property. The roof would be hipped in design and set below the ridge of the main house. The extension would be constructed from render with a slate tile roof to match the materials of the existing dwelling.

Single storey rear extension

The single storey rear extension would project 3 metres from the rear elevation with a width of 7.1 metres. The extension would have an eave height of 2.5 metres and a ridge height of 3.4 metres. The roof would be lean-to in design and infilled with slate tiles to match the host property. The exterior walls would be faced in render to match the host. Glazing is proposed to the rear elevation in the form of three UPVC windows in white finish.

Front porch extension

The porch would project 1.5 metres from the front elevation with a width of 3.7 metres. The extension would have an eave height of 2.5 metres with a total height of 3.2 metres to the ridge of the lean-to roof. The roof would be infilled with slate tiles to match the host. The exterior walls would also be constructed from render. A UPVC composite door in white colour is proposed to the front elevation.

An existing outbuilding to the side of the dwelling would be demolished as part of the works.

Planning History

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

History of Negotiations

Multiple discussions were made with the applicant's agent regarding the scale of the extensions. Final amended plans were submitted 3rd July that have been used to determine the proposal.

The amended plans were not re-publicised as these did not fundamentally change the development applied for.

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 neighbour notification letters.

Final publicity date expired: 10th July 2024.

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

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
- LP30 Biodiversity

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. 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – 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.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. 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 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 on character and appearance of the area

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 5.3 of the House Extensions and Alterations SPD provides specific advice for side extensions and states the following:

“Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

Side extensions should maintain the quality of the environment for neighbours by:

- *Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and*
- *Positioning windows to minimise or avoid any potential overlook into neighbouring gardens...*

...Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

Two-storey side extensions should:

- *not take up all or most of the space to the side of a house;*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house.”*

Paragraph 5.23 of the SPD sets out specific guidance with regard to side extensions on corner plots. It states that these should be considered as being both side and front extensions and therefore, both elevations should be designed as street frontages. 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*
- *following the boundary treatment along both streets, in relation to its position, height and materials.*

The design of the proposal is such that the two-storey side extension would be set back from the front elevation of the property by 0.5 metres, with a roof ridge which would be set down by 0.3 metres from the roof pitch of the host pitch. With regard to the width of the proposed extension, following amendments, the 3.2 metre projection is considered acceptable, measuring no more than half of the width of the host dwelling and therefore appearing visually subordinate to the original house. The setback and set down of the extensions to the host encourages a retained sense of space to the front, helping to retain a subservient appearance within the wider street scene.

The siting of the extension would retain a minimum separation distance of approximately 0.3 metres from parts of the shared boundary to retain external access to the rear of the property. Although contrary to SPD guidelines, the proposed extension would replace an existing outbuilding along the shared boundary. There would be space remaining within the site to the front and side for the extension to not dominate the site.

The application site occupies a corner plot. The extension has been designed to create two frontages with openings within both the front and side elevations, relating well to both street frontages. The two-storey side extension is set back from the existing building line on both Annottes Croft and Arkenmore, therefore adding to its subservient nature.

Therefore, it is considered that the overall height, size, scale and massing would be acceptable visually and that the proposed extension would be of a subservient design. In addition, the proposed construction materials would match the host property. The hipped roofing form above the extension would encourage a visual balance with the adjoining semi-detached property.

Section 5.6 of the SPD relates specially to single storey rear extensions and provides the following guidance:

5.6 Single storey extensions 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.*

The proposed extension would be finished with render to match the host dwelling and surrounding neighbouring dwellings. The single storey extension cumulatively with the other proposed extensions, would not result in covering more than half the total area around the original house.

The size and scale of the single storey rear extension is considered to be a proportionate addition to the host property. The extension would project 3 metres from the rear elevation and would not exceed 4 metres in height. Although contrary to SPD guidelines, the extension would be sited less than 1 metre from the shared boundary with the adjoining neighbour. However, given the 3-metre projection, there is a realistic fall back position that this element of the proposal could be achieved through permitted development. This element of the proposal is therefore concluded to have an acceptable visual impact.

Section 5.14 of the SPD relates specially to front extensions and provides the following guidance:

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- *The house is set well back from the pavement or is well screened; and*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.*

The proposed single storey front extension would project 1.5 metres from the front elevation of the original dwellinghouse. The enlargement would incorporate a lean-to roof and would be finished in render to match the host property. The extension would be modestly proportioned and would appear subservient to the original build. Furthermore, the enlargement would be set back from the highway and would not appear unduly prominent from public vantage points. It is therefore considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Overall, it is considered that the cumulative impact of the extensions would not cause detrimental harm to the visual amenities of the locality. It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 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:

Impact on 6, Arkenmore

This property is located to the west of 1, Annottes Croft.

The proposed two storey extension would occupy a position approximately 0.3 metres from the communal boundary shared with 6, Arkenmore. The two-storey extension would be partially screened by an existing outbuilding within the curtilage of this neighbouring dwelling. Given these factors, it can be concluded

that no significant detrimental impacts of overbearing or overshadowing will be caused as a result of its erection. Sunlight calculator software has been provided to confirm that any potential overshadowing would be concentrated to the side amenity space of 6, Arkenmore and will only potentially occur during the morning, meaning it is not considered to pose detriment to residential amenity or the living conditions within the neighbouring dwelling.

The only proposed glazing that could impact this neighbour would be the windows within the two storey side extension. However, these would face the driveway of No.6 and the wider street scene on Arkenmore, therefore it is not considered that this element of the proposal would result in any future harm to the neighbour's residential amenity over the existing.

With regard to the rear extension, given the separation distance between the extension and this dwelling (~4m) with no openings facing No.6, it is considered to have an acceptable impact on the residential amenity. The application property is located on a lower ground level than this neighbour, further working to mitigate the overbearing/overshadowing impacts of development.

Impact on 8, Arkenmore

This property is located to the rear of the application property and sits at an elevated position relative to the application property. Although it is noted that a separation distance of approx. 5 metres would be retained to the neighbours side elevation, given the difference in ground levels, it is considered that the proposal would not result in any further harm to the neighbour's residential amenity over the existing position.

While it is noted that the enlargement to the rear would introduce 3 openings closer to this neighbour, the glazing is not considered to result in undue levels of overlooking. This is a result of the separation distance and difference in land levels present.

It is also acknowledged that boundary treatment is in place between these two neighbouring properties, in the form of high stone walling. These forms of boundary treatment would further work to mitigate any potential impacts from development.

Impact on 22, Coule Royd

This property is located to the rear of the application property, sited approx. 14 metres from the proposed single storey rear extension. This is considered

sufficient in mitigating undue harm to overshadowing/overbearing. In addition, a site visit confirmed screening was in place to the rear of this neighbour in the form of an outbuilding, further aiding to mitigate any detriment to overlooking. Given the distance and existing screening in place, the proposal is not considered to be unduly overbearing or lead to unacceptable levels of overshadowing or overlooking.

Impact on 3, Annottes Croft

This property is adjoined to the application property.

This neighbour would not have their privacy impacted due to their being no windows within the side elevation which look towards this neighbour's direction.

It is noted that the single storey element adjacent to the boundary with this neighbour would impact upon a 45 degree line when taken from the centre of the cill of the nearest window in the rear of no.3.

In this case, weight is afforded to the fact that a single storey extension of the same proportions and siting could be undertaken in any event by utilising Permitted Development rights. As such it is considered there are circumstances which are applicable in this case which relate to the fact this element of the proposal, whilst having an impact upon no.3, has a realistic fall back that it could be erected without the requirement for planning permission.

It is therefore considered that, in light of the development having a fall back position through Permitted Development, and taking account of the size and scale of this element of the proposal, it would be unreasonable of the Local Planning Authority (LPA) to refuse permission on this element of the scheme in this instance.

It is therefore considered that in terms of visual 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 result in an additional bedroom at the site, with 4 bedrooms overall. Kirklees guidance recommends at least 3 on site spaces for a 4+ bedroom dwelling. In this case, the property benefits from a driveway which would be retained as a result of the development and could accommodate off street parking for 2 vehicles. The site is located within a wider residential area with off-street parking available, and although contrary to SPD guidelines, in this case the existing parking requirements would be acceptable. It is considered it would be unreasonable of the LPA to refuse permission on the basis of the level of further living accommodation being provided by the proposal.

The proposal does not propose any changes to 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: 2024/91470

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 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 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			03/06/2024
Climate change statement			24/05/2024
Existing and proposed site plans	PLN-EXT A3L-1	A	03/07/2024
Existing and proposed floor plans	PLN-EXT A3L-2	A	03/07/2024
Existing and proposed elevations (side)	PLN-EXT A3L-3	A	03/07/2024
Existing and proposed elevations (front and rear)	PLN-EXT A3L-4	A	03/07/2024

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.

Multiple discussions were conducted with the applicant's agent regarding the scale of the extensions. Final amended plans were submitted 3rd July that have been determine with the application. The amended plans were not re-publicised as these did not fundamentally change the development originally applied for.

Report Dated: 24/07/2024

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