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:	**2024/62/91554/E**
Site Address:	13, Warburton, Emley, Huddersfield, HD8 9QP
Description:	Erection of two storey rear and single storey front extensions with associated alterations
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 08-Aug-2024

OFFICER REPORT

Site Description

13, Warburton, Emley, Huddersfield, HD8 9QP is a two-storey red brick detached dwelling which currently benefits from a driveway and private rear garden.

The immediate vicinity of the site is not uniform in design as there are variances in the principal elevation of the dwelling. However, the properties are constructed out of red brick and follow a consistent building line.

The site is within a high risk coal area

Description of Proposal

This application has been received for ‘Erection of two storey rear and single storey front extensions with associated alterations’ and has been received following the refusal of application: 2024/90728.

The current application is comprised of:

The two storey rear extension

Two storey rear extension would extend 4m beyond the rear elevation of the dwelling and have a width of 8.4m.

This would feature side facing gable ends with a maximum height of 7.4m.

This has not been amended since the previous application.

Porch

The proposed porch would extend 1.6m beyond the front elevation of the host dwelling with a width of 2.7m. This would have a height of 3.8m with a pitched roof.

This has not been amended since the previous application.

The proposal would also include the introduction of two side facing windows in to the north east elevation and two side facing windows in the south-west elevation at first floor.

Relevant Planning History

2003/91541: Erection of conservatory. Conditional full permission

2024/62/90728: Erection of two storey rear and single storey front extensions with associated alterations. Refused

Representations

The application was initially advertised by neighbour notification letters, which expired on 23/04/2024

No representations received

Denby Dale Parish Council raised no concerns.

Consultation Responses
No formal consultations deemed necessary

Negotiations

Officers requested that the first floor side facing window was amended to feature obscured glazing.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map.

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 Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP22**- Parking

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.

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, and 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 12 – Achieving well-designed and beautiful places

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Negotiations
7) Conditions
8) Conclusion

<u>1 – Principle of development</u>:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making

alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alterations SPD does state 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.

Furthermore, Key Design Principle 2 of the House Extension & Alterations SPD goes onto state 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 details.

The two storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD refer to specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

Paragraph 5.8 of the House Extensions & Alterations SPD refers to two storey rear extensions and states that these should be:

- Proportionate to the size of the original dwelling
- Not project more than 4m in the case of detached properties
- Not exceed an eaves height of 3m if within 1.5m of a boundary
- Be separated from the boundary by 1.5m

The proposal would extend 4m beyond the rear elevation of the host dwelling, would be situated 1.3m away from the southern boundary and 4m from the northern boundary. The rear extension would not be overly prominent from the public realm. It is acknowledged by officers that the proposal would be 1.3m away from the southern boundary of the site; however, it is considered that from a visual perspective, this would be acceptable in this instance. The mass increase is quite substantial but taking into account the scale of the host along with other buildings in the vicinity the development would not appear incongruous and can be supported in this instance.

The previous application featured the application of render to the entire property which has been removed from the proposal. It is considered that as the proposal has been amended to feature matching materials, it would integrate with the host dwelling and the wider street scene overcoming the reason for refusal.

Porch

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The scale of the front extension is modest relative to the main house and would be considered to be acceptable.

It is considered that the use of matching materials would aid the proposals integration with the street scene.

Officers have requested a side facing window is amended to an obscured glazed finish in order to overcome a previous reason for refusal. The addition of a first floor side facing window which is obscured could be implemented as permitted development and is therefore considered acceptable with regards to visual amenity.

Having taken the above io account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties to the rear which could be affected by the works proposed.

15 Warburton: adjoins the application site to the south
Overlooking: The proposal would feature one additional side facing window at ground floor level and one at first floor level relating to a bedroom. It is acknowledged by officers there is an existing side facing window; however, the additional window would be closer to the rear amenity space of no.15 Officers have raised concerns with the applicant regarding the side facing window at first floor level and this has been amended to incorporate obscured glazing. This window could be added to the property as permitted

development subject to it being obscured and is therefore considered acceptable in this instance.
Overshadowing/loss of light/overbearing: The proposal would be set 1.3m away from the shared boundary between the properties; however, no.15 would be 3.4m away from the side elevation of the property and situated to the south. It is considered that due to the separation distance and the orientation of the properties, no significant issues would arise regarding overshadowing/loss of light or overbearing.

11 Warburton: adjoins the application site to the north.
Overlooking: The proposal would add extra windows into the side elevation of the property which would serve bathrooms and utilise an existing window which during the re configuration of the site would be amended from a bathroom to a bedroom. Having visited the site, officers consider that the first floor bedroom window would be inline with the main dwelling of no.11 and would not result in a significant overlooking relationship. The ground floor windows would relate to a utility room, this is not considered a habitable room and therefore could be conditioned to be obscured.
Overshadowing/loss of light/overbearing: The proposal would be located 6.3m away from the main dwelling no.11. It is considered that no.11 benefits from its own extension which has an obscured side facing window and further rear projection is multiple aspect. It is considered that due to the separation distance of the properties when coupled with the obscured glazing of the extension or the multiple aspect detailing of the windows, no significant issues would arise regarding overshadowing/loss of light or overbearing.

It is considered that, due to the scale and location of the proposal, no other properties would be impacted from a residential amenity perspective.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

Whilst the accommodation provided shows bedroom 4 to have an obscurely glazed window which would not usually be supported due to a substandard outlook for the occupants, it is justified in this instance due to the fall back position of permitted development. There is existing habitable accommodation that could install a similar window and as such it is considered, on balance, acceptable. Officers had concerns that a non obscured window would result in overlooking of the neighbouring garden to the detriment of the occupants.

4 – Impact on highway safety:

The proposals would result in an intensification of the domestic use; however, a formal consultation with KC Highways has not been conducted. There is an existing side projection on the dwelling which would be removed and enable the full driveway to be utilised. As the proposal would not displace parking arrangements on site, the proposal would comply with Policy LP22 of the

Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is an extension to an existing dwelling. As such, no special measures were 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 which will require compliance with national standards.

6 – Representations:
n/a

7 – Negotiations:

Officers requested alterations were made to the proposal to overcome concerns regarding overlooking.

8 – 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.

As set out above, 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: 2024/91554
Officer Recommendation: APPROVE
Reason

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, LP51, and LP57 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 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:

Plan Type	Reference	Version	Date Received
Site Location			30/05/2024

Plan Type	Reference	Version	Date Received
Existing Plans	01		30/05/2024
Proposed Plans	02B		30/07/2024

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 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.

Alterations were requested to amend the side facing window to feature obscured glazing.