

**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:	2024/62/91624/W
Site Address:	4, Deer Hill Close, Marsden, Huddersfield, HD7 6LG
Description:	Erection of front, side and rear extensions with associated alterations
Recommending Officer:	Tom Hunt

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: 07-Aug-2024

Officer Report

Site Description

2024/91624 – 4, Deer Hill Close, Marsden, Huddersfield, HD7 6LG

The application site relates to a two-storey end-terraced residential property on a corner plot. It is faced in natural stone and has a side gable roof in concrete tile. It has a small front amenity space, a single-storey front porch projection with driveway to the side, an attached single-storey garage to its side and a flat roofed, timber clad single-storey rear extension behind the garage and partially to the rear of the host. It has a small rear amenity space parallel to the highway on Carrs Road which is fenced off in timber.

Properties in the residential estate south of Carrs Road are of varying design and material palettes. The building line for the flank elevations of no. 4 and 5 are broadly consistent with each other and separated by Deer Hill Close but no. 5 has a two-storey side extension; they are otherwise forward of the other building lines to the south of Carr Road.

Description of Proposal

Erection of front, side and rear extensions with associated alterations

It is proposed to have a first floor side extension to the host, with a side gable roof design, over the existing footprint of the garage. This would appear set back 2m from the primary elevation and have a roof ridge height set 0.6m below the host.

Fenestration would be to match the host with stone surrounds front and rear. There would be a skylight to the front. The front shall retain its garage door at ground level.

To the rear of the proposed side extension and to the host, would be a single-storey rear extension replacing an existing single-storey rear extension. This would have patio door openings restricted to the rear and a flat roof with parapet detail and roof lantern. It would project 3m with a width of 8m and have a roof height of 2.8m. The parapet detail would marginally increase the height by 0.2m.

The extensions would be in natural stone, have stone quoins and roofing materials (within the first floor element) to match the host.

At ground floor, it would have a reconfiguration of rooms to have a dining/sun room in the rear extension and add a bedroom and walk in dressing room to the first floor extension's additional storey and roof.

A new rooflight would be installed to the host at front and rear.

History of negotiations/amendments received

None.

Relevant Planning History

2002/91929	Off Carrs Road, Marsden, Huddersfield. Erection of 71 Dwellings Decision: Section 106 Full Permission. Officer Note: Permitted Development Rights retained for extensions. Conversion of garages to living spaces are restricted.
2023/92736 alterations.	Erection of side and rear extensions with associated alterations. Conditional Full Permission.
2024/90472	Variation of condition 4 (integral garage) on previous permission 2023/92736 for erection of side and rear extensions with associated alterations. <i>Refused.</i>

Representations

We are currently undertaking 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, site notice and press publicity which expired on: 02/08/2024

No representations have been received.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan. It borders Marsden Conservation Area. There is a PROW (COL/208/10) separated from the site by Carrs Road. It is within an indicative critical drainage area but otherwise in a low probability area for flooding.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 31 – Strategic Green Infrastructure Network**
- **LP 35 – Historic environment**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Planning (Listed Building & Conservation Areas) Act (1990)

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 and coastal change
- 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 and heritage amenity

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

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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”*.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Heritage

The site is bordering Marsden Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Section 72 is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 202 in Chapter 16 of the NPPF.

With regards to the Conservation Area, paragraph 201 of the NPPF states that:

“Local planning authorities are to identify and assess the significance of any heritage asset that may be affected by a proposal... they should take this into account when considering the impact of a proposal on a heritage asset’s conservation and any aspect of the proposal.”

Paragraph 203 goes on and states that Local planning authorities should consider:

“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness” when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

2 –Impact on visual amenity and heritage amenity:

In terms of visual amenity and heritage amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.

Sections 5.15-5.16 and 5.21-5.22 of the SPD relate to general guidance on side extensions and first floor side extensions (pages 28 and 29).

The proposed design would be harmonised with the host by using appropriate use of roof style, pitch, materials and detailing. It would be perpendicular to the highway so would not cause a terracing effect to housing. The design being over the existing footprint of the garage, with a significant set back from the primary elevation and lower roof ridge height would still appear visually smaller in relation to the original house. The limited projection and width of the extension would contribute towards a sensitively designed addition to the host with a modest increase in massing. The existing footprint is taken into consideration as it does not comply with a recommended minimum gap of 1m to boundary however Officers recommend that this be accepted as it would have a neutral impact.

Section 5.23 relates to side extensions on corner plots (page 30) and advises that they should relate well to the street with windows creating two frontages, being set back from the existing building line and following the boundary treatment on both streets.

Officers acknowledge that the design does not include windows to animate the streetscene with its frontage. This appears to be a similar design feature locally with no.5's blank side elevation. Officers propose that this be considered acceptable as windows to this elevation would have a poor sub-optimal separation distance of 12.5m to habitable windows of the opposite neighbours increasing a sense of overlooking and loss of privacy. It would have a neutral impact with regard to being set back from the building line as it

would be on an existing footprint and keep the existing boundary treatment. On balance, Officers recommend that this be acceptable to avoid harm to residential amenity.

Sections 5.1-5.6 of the SPD relate to single-storey rear extensions (pages 23-24). This would replace an existing rear extension and would span the rear of the host and garage. It would offer an improved design over the existing with a harmonised use of materials and high quality detailing with its parapet roof. It would comply with the SPD requirements except the retention of a 1m separation distance. As this extension would be otherwise permitted through available Permitted Development Rights, Officers proposed that this would be considered acceptable being of limited height and rear projection and therefore low visual impact. In addition, its improved design would be in keeping with the host and locality in relation to visual amenity.

The proposal would be to a relatively modern new build residential estate and would appear in keeping with the scale and original design of this estate. The two-storey side extension to no. 5 would aid in the scheme appearing visually integrated with a similar building line. The proposed large rooflights at front and rear would appear larger than the host's own existing rooflights creating a modest sense of imbalance however interventions of this nature could be implemented under available Permitted Development Rights and it would have a limited visual impact to the streetscene.

With regard to heritage amenity, it would add a sense of additional bulk and massing closer to Marsden Conservation Area reducing its openness. Despite being restricted within its existing footprint, this additional bulk and massing over the garage would have some less than substantial harm, as such, public benefits are required under relevant local and national policy.

Officers note that the extensions would remove a poorly detailed and incongruous timber façade to the existing single-storey rear extension for a replacement that would appear visually of high quality design details and materials. The additional storey would remove the oddly juxtaposed existing hipped and flat roof form leading to a more integrated design improving visual amenity. As such, Officers propose that public benefits to outweigh harm to the heritage assets are sufficiently demonstrated.

It is noted that the design, if further extended, could cause material harm to the visual amenity and heritage amenity of the area by overdevelopment within a relatively tight, constrained and prominent plot adjacent to Marsden Conservation Area. Officers propose that further development of the host should be controlled in order to avoid detrimental visual impact on the original character and design of the host and the locality and to retain the clean and architecturally simple additional forms in its design hereby permitted.

Subject to a condition restricting Permitted Development Rights for Classes A, B and C, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policies LP02, LP24 and LP35 of the Local Plan, the House Extensions and Alterations SPD, Chapters 12 and 16 of the NPPF and be compatible with Kirklees Council's duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135f) of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD aid the Officer in considering how to achieve high standards of residential amenity.

No. 3 Deer Hill Close

The first floor side elevation would be screened by the host. The single-storey rear extension would have no side elevation windows which would offer an improved relationship in terms of overlooking and loss of privacy. Whilst it would not have a separation distance to boundary, its limited 3m projection sited to the north of the neighbour, adjacent to an existing 1.6m height solid timber shared boundary wall, would not offer substantial loss of outlook to the adjacent window or excessive overbearing or overshadowing. Officers propose that this limited impact is acceptable considering the harmful potential to extend further under Permitted Development Rights without a separation distance to boundary.

No. 2 Deer Hill Close

The proposed first floor side extension would add windows to the first floor which would have some minor overlooking to the rear garden and no overlooking to the blank side elevation of this neighbour. This would not be a significantly different relationship to the existing first floor windows and therefore it is proposed that this would be acceptable in terms of overlooking or loss of privacy. The extensions would be to the northeast of the neighbour, sufficiently separated by distance so as to avoid any overshadowing or overbearing effects. The replacement of the single-storey rear extension on an existing footprint would not cause any significant alterations in the existing relationship between the neighbours and would have a minor improvement of overlooking/loss of privacy with reduced glazing. It is noted that the recommended restriction on Permitted Development Rights for extensions would restrain further impacts on residential amenity to no. 2 in terms of loss of outlook and overbearing.

No.s 14, 18 and 16 Carrs Road

These properties are separated by the highway by ~12.6m from the proposed first floor side extension and rear extension which would have a blank wall ensuring no overlooking or loss of privacy. The separation distance should adequately avoid overbearing. Due to the orientation of the host to the neighbours, the additional bulk and massing of the first floor side extension brought closer to the highway would not significantly alter the existing

relationship between those neighbours in terms of overshadowing and would be acceptable.

No. 5 Deer Hill Close

The proposed single-storey rear extension would be screened by the bulk and massing of the proposed first floor side extension and the host. The proposed first floor side extension would comfortably exceed guidance for minimum separation distances between windows within section 4.10 of the SPD to ensure high standards of privacy to all elevations. The side extension would be to the southwest of the neighbour and an assessment of the sunpath over the year indicates that this would have very limited impact restricted to late afternoons approximately two months of the year in spring and one month in autumn. This indicates an acceptable and restricted level of additional overshadowing to the front elevation of the neighbour aided by the significant separation distance to elevations. The distance would comfortably ensure no additional overbearing impacts.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

Subject to the recommended condition, the proposal would therefore be in general conformance with no significant additional impacts when considering compliance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, the Highways Design Guide SPD sets out that a 4-bedroom dwelling should have a minimum of 3 off street parking spaces.

The proposal would retain its off street parking space in the driveway and an existing garage that does not fully meet internal space standards for garaging modern vehicles according to the Highways Design Guide SPD. The site is in close proximity to frequent public transport bus links and to the facilities, services and amenities of Marsden District Centre supporting car free travel. However it is acknowledged that the property is within a very small and constrained close and should the garage be converted to living quarters, any additional vehicles from the increased occupancy levels within this shared space would have the potential to unacceptably restrict the parking availability and manoeuvrability of vehicles within the tight space. In order to avoid this detrimental impact, Officers recommend that the garage space should be conditioned to be only for parking of vehicles and no other purpose, for avoidance of doubt and the development to be acceptable in relation to highway safety and parking.

Bin arrangements will remain as existing with no further increase in footprint.

Subject to the condition, the proposal would comply with Policies LP21 and 22 of the Local Plan and Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications, the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and seeks to mainly build on existing footprints therefore this would have no additional significant impact or conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity and Strategic Green Infrastructure Network

Whilst it is acknowledged that the site is located within an identified bat alert area and the Strategic Green Infrastructure Network, the proposals are relatively modest to a well-sealed, concrete tiled roof adjacent to a noisy and busy highway to be considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

The small scale of the proposal would be on an existing footprint with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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

Application Number: 2024/91624

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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP28, LP30, LP31 and LP35 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external walls and roofing materials of the first-floor extension and walls of the single-storey rear 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 to accord with Policy LP02, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary

Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. Notwithstanding Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 (or any statute or order revoking or re-enacting that Act with or without modification) the integral garage shall not be converted to living accommodation.

Reason: To ensure that there is adequate off-street parking provision in the interests of the safe and free use of the highway and to comply with LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting that Act or Order with or without modification), no extensions, roof extensions or alterations to the roof, including those falling within Schedule 2, Part 1, Class(es) A, B or C of the above Order shall be erected or constructed within the application site at any time.

Reason: So as to ensure that inappropriate extensions do not lead to an adverse effect on visual amenity, heritage amenity or residential amenity, specifically to no. 2 Deer Hill Close, by reason of overdevelopment of the site or further erosion of the host's original character and design and to accord with the aims of Policies LP02, LP24 and LP35 of the Kirklees Local Plan, the Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Site Plans, Existing and Proposed Floor and Elevation Plans.	2321-01.	B	27/06/2024
Climate Change Statement	-	-	21/06/2024

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. None.

Report Dated: 03/08/2024