

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:	2024/62/91629/W
Site Address:	229, Fleminghouse Lane, Almondbury, Huddersfield, HD5 8TY
Description:	Erection of two storey rear extension, dormer to front dormer to rear with associated alterations
Recommending Officer:	Laura Yeadon

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: 19-Aug-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91629
Location	229, Fleminghouse Lane, Almondbury, Huddersfield, HD5 8TY
Proposal	Erection of two storey rear extension, dormer to front dormer to rear with associated alterations
Publicity end date	26 th July 2024
Number of representations received	One
Kirklees Local Plan Allocation/Designation	Unallocated land – ‘low risk’ from coal mining activity – ‘bat alert’ layer
Extension to Time (EoT)	Yes EoT Date: 19th August 2024
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the ‘House Extensions and Alterations’ Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES/NO	SUMMARY
Negotiations/Amendments during course of application	Yes	At the request of the Agent, updated plans were received which relocated the position of the dining room door and changing the construction materials from brick to render at the rear of the property
Parish/Town Council comments sought	No	N/A
Planning History	N/A	None
Consultations required	No	N/A

Assessment

The application seeks permission for a two storey rear extension, dormer extensions to the front and rear and alterations.

Two storey rear extension

The proposed rear extension would be part single storey and part two storey due to the changes in land level. The extension would project 3 metres from the rear elevation of the property and would span the full width, with the exception of the garage. The extension would have a flat roof which would sit at the eaves height of the property with light lanterns above. The proposed extension would be finished in a white render.

Front and rear dormers

Dormer extensions are proposed within the front and rear elevations of the property. To the front, a pitched dormer is proposed which would be a width of 3.5 metres, height of 2 metres, set up from the gutter line by 1 metre and down from the roof ridge by 0.2 metres. The front dormer would be set in from both side elevations of the property and would be finished with hung tiles to match the existing roof.

The proposed rear dormer extension would be flat roofed and would be a width of 8.3 metres and a height of 2.4 metres. The dormer would be set up from the gutter line by 0.2 metres and would be set down from the ridge of the roof by 0.4 metres. The dormer would be set in from both side elevations by approximately 0.5 metres. It is proposed that the rear dormer would be finished in grey uPVC cladding.

Alterations

The proposed alterations to the property would be a new outdoor stepped access from the patio into the rear garden.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified. In addition, dormer extensions should comply with certain parameters set out at paragraph 5.4 on pages 31 and 32.

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – it would comply with this	
Be set behind the original building, and not	Yes – it would comply with this	

projecting beyond the sides		
Maintain external access to the rear garden	Yes – a new external access would be created	
Respect the original house and garden in terms of its size and scale	Yes – it would comply with this	
Use appropriate materials which match or are similar in appearance to the original house	Yes – front dormer to be tile hung to the face, cheeks and roof to match the roof of the host dwelling	No – the proposed rear extension would be finished in white render however there is evidence of the use of render within the street scene and therefore acceptable – grey cladding for the rear dormer – typical finishing material for dormer extensions – also acceptable
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties	Yes – it would comply with this	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Yes – part single and part two storey due to topography and under-build – limited projection of 3 metres - proposed site plan demonstrates remaining garden area to the rear – garden area to the front would not be reduced	
not normally exceed 50% of the total area of land around the original house (including	Yes – it would comply with this	

previous extensions and outbuildings)		
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	Detached property – would not project more than 4 metres	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary	Yes – it would comply with this	
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre	Yes – it would comply with this	
not adversely affect habitable room windows where they adjoin a neighbour's boundary	Yes it would comply with this	
Dormer extensions should:		
relate to the appearance of the house and existing roof	Yes – pitched roof dormer to the front elevation and a flat roof dormer to the rear	
be designed in style and materials similar to the appearance of the existing house and roof	Yes – the front dormer would be tile hung and whilst rear dormer would be clad – this is not an uncommon finishing material for rear dormers	
not dominate the roof or project above the ridge of the house	Yes – it would comply with this	
be set below the ridgeline of the existing roof and within the roof plane	Yes – it would comply with this	

be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant	Yes – rear dormer would have aligning windows with rear elevation and a large dormer is evident on the neighbouring property to the north	
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Design and Visual Amenity:

Detached brick constructed bungalow with a concrete tiled roof. Site slopes downwards from front to rear and therefore to the rear is a part-width under-build. The rear garden area is set on a lower ground level than the floor level of the property which is accessed via steps externally from the front of the property and internally from a door to the rear. To the front of the property is a garden area and driveway which leads to an attached lean-to garage.

The neighbouring property to the south is set at a higher ground level than the application site and the property to the north is set on a lower ground level.

Surrounding properties are typically detached and semi-detached dwellings of varying designs and finishing materials.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Detached properties within Fleminghouse Lane which vary in terms of style and design – no particular uniformity – minimal concerns	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Rear extension considered to be subservient due to limited projection and height – front dormer is small in scale with matching materials and dormer to rear although larger is also acceptable	✓

Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	All works considered subservient, in accordance with SPD guidance	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Rear extension would be rendered with the rear dormer grey uPVC clad – other properties within the street scene with similar finishing materials	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Flat roof to rear extension – minimises harm to residential amenity – front elevation dormer is pitched and therefore acceptable with rear dormer being flat roof in keeping with neighbouring dormer	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Large openings within rear extension which are considered acceptable – dormer openings also considered acceptable	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangements	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 238 & 240 Fleminghouse Lane – facing properties to front elevation – no reduction in separation distances and therefore no concerns

- 231 Fleminghouse Lane – property to south – set on a higher ground level and separated from the proposed extension by the garage within the application site – therefore acceptable relationship
- 227 Fleminghouse Lane – property to the north – set on a lower ground level – no openings within side elevation of rear extension or dormer that would overlook this property – additional window within side elevation of existing property unlikely to require planning permission – 45 degree line would not be cut as a result of rear extension – limited harm due to orientation of neighbouring dwelling and space between dwellings retained
- No dwellings beyond rear boundary that would be impacted by proposal

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable – see above	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Acceptable – see above	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Acceptable – see above	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Yes it would comply with this	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Garage provision does not meet standard dimensions however the works would result in a 2/3 bedroom dwelling – 2 no. off-street parking spaces retained on existing driveway, therefore acceptable	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however adequate space within site boundary	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees	N/A	N/A

	Chapter 12 of the NPPF		
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - Chapter 15 of the NPPF	Bat alert layer on mapping system – no bat survey required however informative to be attached to decision notice for the attention of the applicant	✓
Carbon Budget / Climate change statement	- KDP 8, 9, 10 & 11 of the SPD - Policy LP51 - Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Retaining boundary wall supports the plot – planting is causing wall to lean and bow out with presenting the possibility of collapse – would like developer to address this problem during ongoing work	Informative note to be attached to the decision notice relating to land stability being the responsibility of the land owner (para 190 of the NPPF)	✓

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/91629

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 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to 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.

NOTE Please note that it is the developer and/or land owner's responsibility to secure a safe development in relation to land stability and the proposed excavation works.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing site plan	TR-A24-0501-001		7 th June 2024
Existing elevations, floor plans and 3D images	TR-A24-0501-002		7 th June 2024
Location plan and proposed site plan	TR-A24-0501-003 – Rev: A		27 th June 2024
Proposed floor plans	TR-A24-0501-004 – Rev: A		27 th June 2024
Proposed elevations	TR-A24-0501-005 – Rev: A		27 th June 2024
Proposed elevations and 3D images	TR-A24-0501-006 – Rev: A		27 th June 2024
Climate Change Statement	Appendix A		7 th June 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. At the request of the Agent, updated plans were received which relocated the position of the dining room door and changing the construction materials from brick to render at the rear of the property.

Report Dated:

19th August 2024