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:	**2024/62/91719/E**
Site Address:	35, Westerley Lane, Shelley, Huddersfield, HD8 8HW
Description:	Erection of single storey rear extension
Recommending Officer:	Faiza Bano

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: 04-Sep-2024

Officer Report

Site Description

35 Westerley Lane is a semi-detached red brick property. The property benefits from a front garden and rear garden that slopes slightly. There is vehicular access to the front of the garden, creating a driveway and providing ample parking in curtilage – on street parking is also available.

The surrounding properties are residential with a mix of styles and palettes.

Description of Proposal

The applicant is seeking permission for a single storey rear extension. This would involve the removal of the existing conservatory.

The extension would have a projection of between 2.9 metres and 3.53 metres and a width of 6.5 metres, with a lean-to roof form, and eaves height of 2.5m.

The walls would be constructed from brick and the roof would be finished with lightweight tiles like the original and will have glazed sections that form roof lights.

Relevant Planning History

2003/90575 - ERECTION OF 2-STOREY EXTENSION AND CONSERVATORY - CONDITIONAL FULL PERMISSION

2018/90969 - Erection of two storey side extension - CONDITIONAL FULL PERMISSION

Representations

The application was advertised by neighbour letters, which expired on the 30th of August 2024.

In response to publicity, one objection was received on the 25th of August 2024, which raised the following concerns:

- Proximity to property boundary
- Impact to natural light
- Overshadowing
- Unduly reduced outlook
- Impact to habitable rooms
- Projection from original house
- Sustainable design
- Incomplete plans
- Shared Drainage

Consultation Responses

None

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

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, 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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

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 & 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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & 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 Extensions & 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.

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

The extension is of a size which is appropriate to the scale of the host property and a reasonable amenity space would be retained. The materials proposed include the use of red brick for the walling with tiles for the roof covering. The proposal would not exceed 4 metres in height; and has an eaves height of 2.5 metres, with a projection of 2.94m from the furthest extent of the rear elevation of the host dwelling The rear extension is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider

street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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 Extensions & 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.

Impact on 33 Westerley Lane

The extension would be constructed close to the shared boundary with the adjacent property and would have the potential to result in overshadowing and an overbearing impact. Whilst the proposed extension does project out 53cm more overall than recommended and does not retain a 1 metre gap from the boundary line; its projection closest to the shared boundary with No.33 would be less than 3.0m at 2.94m, and due to this projection, in addition to the single storey scale and the design of the extension, it is considered that there would be no significant detrimental impact on the neighbour's residential amenity with regards to overbearing, overshadowing or overlooking impact.

It is noted, as set out in representations and addressed below, that the proposal could result in some overshadowing when taking into account the 45 degree guideline as set out within para.4.17 of the SPD. The extent of any overshadowing is not considered to cause such harm that there is justification to refuse the application on this basis. Furthermore, the windows proposed in the extension would face into the applicant's own garden with the walling between preventing any loss of privacy.

Impact on 39 Westerley Lane

No.39 Westerley Lane is located to the west of the application site, although there is a significant separation distance between the application property and this neighbouring property. Furthermore, the proposal would be located no closer than the existing conservatory which is to be demolished. As a result, the proposal would have no adverse impact upon the amenity of the occupiers of No.39.

There are no other properties that would be affected by the proposals.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any significant intensification of the domestic use and there is parking provision to the front of the property. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Carbon Budget

The proposal is a small scale domestic development 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.

There are no other matters for consideration.

Representations:

In response to publicity, one representation was received on the 15th of August 2024. The concerns raised within this representation are set out below, accompanied with an officer response:

1. **Proximity to property boundary**
   The proposed extension is to be built 160mm from the property boundary and therefore does not comply with the detailed guidance in the SPD for single storey rear extensions. Specifically, section “5.6 Single storey extensions should: retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge”. The boundary is identified by the centre point of a shared rainwater gully, which is not shown on the submitted plans. Whilst there is also a fence, this is not the property boundary as it sits to the east of the rainwater gully for reasons of practicality.

   Officer Response:

   While the proposed extension does not meet the 1 metre gap guideline suggested in section 5.6 of the SDP, the proximity of the extension to the boundary is unlikely to have a substantial negative impact on the

neighbouring property. The design ensures minimal overshadowing and maintains adequate light levels, preserving the neighbour's amenity.

The layout of the property, including the presence of a shared rainwater gully, enforces practical constraints. The proposed 160mm gap is a reasonable adjustment that accommodates these site-specific conditions without causing significant issues, and is considered to be acceptable

1. **Impact to natural light**
   The proposed extension will affect the amount of natural light currently enjoyed in the living room and on the patio of the adjoining property. The proposal therefore does not comply with key design principle 5 of the SPD and the relevant local plan policy LP24 Design (b). Specifically, section "4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens"

   Officer Response:

   While the concern about the impact on natural light is acknowledged, the proposed extension has been designed to ensure it complies with key design principles and local plan policies.

   Upon assessment, it is determined that the proposed extension will not materially affect the amount of natural light enjoyed by the neighbouring property (please see officer response in point 3 – overshadowing). The eaves height of the proposed extension is 2.5 metres – this minimises any potential overshadowing and ensures adequate light levels are maintained.

2. **Overshadowing**
   As per section 4.17 of the SPD, when assessed using the minimum 45° guideline from our nearest habitable room window, the proposed extension can be clearly seen to overshadow our property. Indicating that light levels in our living room will be affected. Therefore, the proposal can again be shown not to comply with key design principle 5 of the SPD or the relevant local plan policy.

   Officer Response:

   Whilst the proposed extension does not fully accord with the 45-degree, the guideline, the extent of overshadowing which could result is not considered significant enough to warrant a reason for refusal, and the measures taken to minimise impact, and compliance with certain parameters set out at paragraph 5.6 on page 24 of the extension justify an exception to this guideline.

Key design principle 5 of the SPD emphasises the importance of maintaining the character and appearance of the area while ensuring that new developments do not adversely affect the amenities of neighbouring properties. The proposed extension has been designed with these principles in mind, ensuring that it complements the existing architecture and does not detract from the overall character of the neighbourhood.

3. **Unduly reduced outlook**
   In the proposed plans, the east (left) elevation of the extension is comprised entirely of a 8.6m2 solid brick wall. This wall projects out 2940mm from the rear wall of the property, only 160mm from the property boundary, approximately 700mm from the living room window and approximately 2400mm from our conservatory.

   Currently the outlook from the hilltop position of our property is what we call ‘big sky’ and far-reaching views. This visual amenity is the main reason we purchased this property, with a wide-open aspect which makes the most of the local topography and local nature reserve. It is certain that if the proposal is approved it will have a detrimental impact on the outlook of our property and garden, severely closing in the living room and patio. In addition, reducing the outlook from the west aspect of our conservatory, which currently enjoys an open far-reaching outlook to the beautiful landscape beyond.

   For these reasons, the proposal does not comply with key design principle 6 of the Kirklees SPD and the relevant local plan policy LP24 Design (b), which aims to prevent overbearing impact on a neighbouring property and states that extensions “should not unduly reduce the outlook from a neighbouring property”

   Officer’s response:

   The concerns about the impact on visual amenity and outlook are noted, however, the proposed extension has been designed with sensitivity to the surrounding environment and neighbouring properties. The use of matching materials and architectural design ensures that the extension integrates well with the existing landscape and does not create an overbearing presence. Furthermore, the extension would be single storey in scale and as such is not considered to result in a significantly detrimental impact upon the outlook of neighbouring occupants. The design ensures that the primary views from the neighbouring property, particularly those towards the rear, are preserved. The extension’s height minimises any major obstruction of these key views.

It is considered that the proposal adheres to the key design principle 6 of the Kirklees SPD and local plan policy LP24 Design (b). The design ensures that the neighbouring property’s amenity is preserved.

4. **Impact to habitable rooms**
   In proposing that the extension is built to the east side of the property (where it bounds a semi-detached property) rather than to the west (where the neighbouring property sits at a much greater distance) the proposal does not take into consideration the layout of habitable rooms in the adjoining property. In doing so the proposal impacts most on the living room and conservatory, rooms that we spend much of the day in. Therefore, the proposal does not follow the guidance of key design principle 4 of the SPD (Relevant Local Plan Policy Policy LP24 Design (b)). “Greater weight and protection will be afforded to rooms that most people spend much of the day in, known as habitable rooms”

   Officer’s response:

   Although the concern about the impact on habitable rooms is noted, the proposed extension to the east side of the property has been considered to balance various factors, including site constraints and overall design coherence.

The rear extension is proposed across the original part of the house, in a similar location to that of the existing conservatory and taking into account the existing internal layout of the dwelling. For the reasons set out above in relation to the scale, projection and design, the proposal is considered to be acceptable.

5. **Projection from original house**
   The rear wall of the property is stepped and therefore the proposed extension projects 3530mm from the rear wall of the original house across the west half of the floorplan and on the west (right) elevation. As per the SPD “5.6 Single storey extensions should: not project out more than 3 metres from the rear wall of the original house for semi-detached […] properties”

   Officer’s response:

   The proposed extension projects out 53cm larger overall than recommended; however due to the stepped nature of the rear wall of the original house creates a projection of 2.9 metres close to the shared boundary, which is in keeping with the relevant planning guidelines. The extension is residential and will not be disproportionate to the site and neighbouring areas.

6. **Sustainable design**
   The proposed extension will overshadow the south facing aspect and south and west facing windows of the adjoining property, as a result it will reduce the solar gain and natural light of our property, specifically in the main rooms on the south side of the building. Therefore, the design does not comply with key design principle 8 of the SPD and

relevant local plan policy LP24 Design (d) (iv) which states that "proposals for extensions and alterations […] should seek to achieve the following principles: Maximise solar gain; maximise natural light". In order to achieve these principles, proposals should consider "siting buildings and extensions to minimise overshadowing".

Officer's response:

The concerns regarding the significant loss of light to the main habitable room on the south side of the adjoining property is acknowledged. Whilst the importance of natural light is understood, the single storey nature of the proposed extension is considered acceptable as per the relevant guidelines. By virtue of its scale and design, any reduction in solar gain and natural light to the adjoining dwelling is not considered to be so sufficient to substantiate a reason for refusal.

7. **Incomplete plans**
   The application form describes the proposed works as a "single storey rear extension to replace existing conservatory". However, the proposed extension exceeds the existing conservatory footprint (which is not shown on any of the submitted plans) by approximately double.

   Officer's response:

   While the application form describes the proposed works as a "single storey rear extension to replace the existing conservatory," it is acknowledged that the proposed extension exceeds the existing conservatory footprint. Although the existing conservatory footprint is not explicitly shown on the submitted plans, it is indicated, and the planning officer has conducted a site visit and is aware of its presence. Importantly, the footprint of the proposed extension is in compliance with relevant planning guidelines, and the projection of the proposed extension is not considered disproportionate.

8. **Shared Drainage**
   The proposed extension is to be built up against a shared rainwater gully, this will prevent access should the gully require maintenance or unblocking and will obstruct access should it require replacement. Therefore, the proposal does not follow the guidance in the document, Drainage and waste disposal: Approved Document H. Nor do the plans show how rainwater runoff from the new roof will be carried away.

   Officer's Response:

   While the concern regarding access to the shared rainwater gully is noted, it is important to clarify that drainage matters, including maintenance and access, are covered by building regulations.

Conclusion:

This application to erect a single storey extension to the rear of 35 Westerly Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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: **2024/91719**
Officer Recommendation: **Approval**

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing 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 to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 13.00hours, 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 can 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
Proposed Floor Plans	41901 Kettle Proposed Floorplan A3 100 Decking		08-Jul-2024
Proposed Elevations	41901 Kettle Proposed Elevations A4 100 Decking		08-Jul-2024
Proposed Site / Block Layout			08-Jul-2024

Proposed Floor Plans	14 - Roof		08-Jul-2024
Proposed Floor Plans	13 - Roof		08-Jul-2024
Existing Site / Block Layout	15		08-Jul-2024
Proposed Floor Plans	8		08-Jul-2024
Proposed Floor Plans	7		08-Jul-2024
Proposed Elevations	Left		08-Jul-2024
Proposed Elevations	Perspective image		08-Jul-2024
Proposed Elevations	10 – Right		08-Jul-2024
Proposed Elevations	9 - Rear		08-Jul-2024
Existing Elevations	Front		08-Jul-2024
Proposed Elevations	12 - Front		08-Jul-2024
Existing Elevations	Rear		08-Jul-2024
Existing Elevations	Right		08-Jul-2024
Existing Elevations	Left		08-Jul-2024
Existing Floor Plans	2		08-Jul-2024
Existing Floor Plans	1		08-Jul-2024
Location Plan			08-Jul-2024
General	CSS		08-Jul-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 Planning 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. As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated: **02/09/2024**