

**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: | 2024/62/91759/W |
| Site Address: | 86, Fixby Road, Fixby, Huddersfield, HD2 2JF |
| Description: | Erection of extensions and alterations to existing dwelling, external works to form a raised patio and raise driveway levels and provision of external wall insulation |
| Recommending Officer: | Joanna Rednall |

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 27-Aug-2024

The Site

86, Fixby Road is a detached property located in Fixby, Huddersfield. The property is constructed from brick with two integral garages to the front. To the front of the dwelling is a driveway with a small garden area. To the rear of the property is a lawned garden and an area of raised decking.

The site is located within a residential area where properties vary in design with a varied material palette. To the west of the site properties are constructed from brick, with properties east and south of the site constructed from render and stone.

The site is unallocated on the Kirklees Local Plan.

The Proposal

The application is seeking planning permission for erection of extensions and alterations to the existing dwelling, external works to form a raised patio and raise driveway levels and provision of external wall insulation.

Single storey rear extension

The measurements of this extension are as follows:

- ~10m projection
- ~6.4m width
- ~3.8m eave height
- ~4.6m total height

The walls of the proposed extension will be constructed from render with aluminium windows and doors with a lead flat roof above.

Single storey side extension

The measurements are as follows:

- ~1.7 projection
- ~4.5m width
- ~2.5m eave height
- ~4.6m ridge height

The walls will be faced with render with aluminium patio doors to the west facing elevation. the roof is infilled with interlocking slate roof tiles.

Front garage extension

The measurements are as follows:

- ~4.5m projection
- ~9.2m width

The garage has a flat roof featuring a parapet wall to the front/south facing elevation measuring approx. 3.5m. The external walls are faced with render.

Dormers

The proposal includes four dormers, three to the front and one to the rear. The dormers are designed with flat roofs with the face and cheeks constructed from hanging concrete tiles.

Front/south facing dormer

The measurements are as follows:

- ~3m width
- ~1.6m height
- ~2m projection

Front/ east facing dormer

The measurements are as follows:

- ~4.7m width
- ~1.7m height
- ~2.2m projection

Front/ west facing dormer

The measurements are as follows:

- ~3m width
- ~1.7m height
- ~2.2m projection

Rear/north facing dormer

- ~7m width
- ~2.2m height
- ~3m projection

External works to form a raised patio

The raised patio projects ~5.6m from the rear elevation with a width of ~12m. The patio is raised ~1.2 metres from external ground level with a ~1.2m high glass balustrade along the rear/north facing elevation. Steps are proposed to the rear/north facing elevation with an access platform lift to the side/west.

The existing close boarded fence has been extended to enclose lift shaft, at a total height of ~2.7m.

Planning History

Relevant planning history for this site is summarised as follows:-

2008/92561 - Erection of extensions and dormer bedrooms - *Conditional full permission*

2006/94596 - Erection of ground floor extension and garage extension - *Conditional full permission*

2003/91005 - Erection of single storey extension - *Conditional full permission*

History of Negotiations

Discussions were held with the applicant's agent regarding the size of the ground floor extension, front dormer roof design and front extension design. The applicant's agent provided a full justification for the scheme as proposed which will be discussed within the visual amenity section of this report.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 8th August 2024.

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development

LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

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

6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Single storey rear extension

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 of the SPD relates specially to single storey rear extensions and provides the following guidance:

5.6 Single storey extensions should:

- *be in keeping with the scale and style of the original house*

- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings)*
- *not exceed 4 metres in height*
- *not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties.*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The proposed extension would be finished with render to complement the surrounding material palette, thus matching their appearance. The extension projects approx. 10m from the rear wall of the original dwelling and would replace an existing single storey rear extension. Although the size and scale of the rear extension exceeds SPD guidelines, in this case given the spacious size of the plot and siting of the extension to the rear, the extension does not appear disproportionate to the house. The flat roof design further mitigates any obtrusiveness to the rear of the property.

The applicant's agent has justified the proposed scale by reason of the existing rear projection, that extends 6.3m beyond the main rear wall of the house, and that the proposed alteration would provide an additional projection of ~3.5m from the rear wall of this existing extension. In addition, the extension would retain a gap of ~0.7m from the shared boundary with No.84, Fixby Road, and would be screened by the existing garage and outbuildings to the rear of No.84.

Whilst it has been acknowledged that the works would create more bulk and massing at the site, it would not result in overdevelopment as a significant amount of useable amenity space will be retained. The existing extension to the rear would be replaced by this larger extension and the property is located on a relatively spacious plot. Given these factors, the proposed extension is considered acceptable from a visual amenity perspective.

Side extension

The design of the side extension has been considered acceptable from a visual perspective. The walls will be constructed from render to match the host and neighbouring properties, with a hipped roof infilled with interlocking tiles. The ~1.7m projection and ~4.5m width would appear a modest and proportionate addition to the host property. The submitted plans show an opening to be inserted into the west-facing elevation of the extension in the form of patio doors. This element has been considered acceptable from a visual perspective, as it would be in keeping with the existing.

Front garage extension

Section 5.2 of the Council's adopted SPD relates to front extensions. Paragraph 5.14 provides the following guidance:

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

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

As shown on the submitted plans the front extension will have a projection of approx. 4.5m and lie flush with the side elevation of the host property. Whilst it is acknowledged this is larger than what is often supported and there is a degree of prominence for the front of the dwelling which will result in any front extension being visible within the street scene, this is limited to a degree as this elevation is set back approx. 18m from the pavement with boundary treatments in the form of brick walling further screening the development from the wider street scene.

In addition, the external walls are constructed from render to match the host property, and a garage door is proposed to the front elevation to mirror the existing appearance. The applicant's agent has justified the flat roof design, noting that it will be concealed by the parapet wall to the south/front facing elevation. This is accepted as adequate justification in this instance.

Front dormers

Section 5.4 of the Council's adopted House Extensions and Alterations SPD relates specifically to dormer extensions.

With regard to front dormer extensions, paragraph 5.25 states "*Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained*".

Paragraph 5.27 provides the following guidance for dormer windows:

5.27 Dormer windows should:

- relate to the appearance of the house and existing roof;*
- be designed in style and materials similar to the appearance of the existing house and roof;*
- not dominate the roof or project above the ridge of the house;*
- be set below the ridgeline of the existing roof and within the roof plane; and*
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

Three dormers are located to the front (south, east and west facing) roof planes, and one to the rear. The dormers are all constructed from matching materials; rolled lead flat roofs with hanging concrete tiles. These materials would match the roof of the host property.

With regard to fenestration, each dormer features glazing in the form of windows, with the proposed windows to the west-facing dormer to be obscure glazed. This is considered to have an acceptable visual impact.

Initial concerns were raised to the applicant's agent regarding the roof design of the front dormers. The applicant's agent has justified the design in the context of the overall proposal of the property, proposing a more contemporary appearance than the existing. In addition, the flat roof dormers at 86, Fixby Road would not appear overly-intrusive or out of character within the street scene, as flat roof dormers have been previously established at adjacent neighbour No.167 Clough Lane.

On balance, the justification is deemed adequate and the design is considered acceptable and forms an appropriate relationship with the host property. The proposed dormers are therefore considered to be acceptable in terms of visual amenity.

Raised patio and driveway

The raised patio is considered to be acceptable in terms of visual amenity. This area is located to the rear of the dwellinghouse and is an identical length to the existing raised timber deck. The proposed elevations indicate the patio would be raised approx. 1.2m from external ground level with a glass balustrade approx. 1.2m in height. To the rear of the patio is steps with an external lifting platform enclosed within a close boarded fence to the side. This alteration appears a proportionate addition to the host and retains an appropriate level of soft landscaping to the rear. Given the siting to the rear of the property, this alteration would not appear overly prominent or intrusive within the street scene. The raised patio is therefore considered to have an acceptable visual impact.

Externally, the existing driveway levels will be adjusted to provide level access to the new garage and entrance porch. It is proposed for the existing tarmac surface to be replaced with a permeable tarmac finish.

Cumulatively, it is considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3,

4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

Impact on 167, Clough Lane

This neighbouring property is located west of the application site.

In regards to overlooking, the front/west facing dormer would overlook this neighbouring property. However, the window is obscure glazed, mitigating undue harm to overlooking/loss of privacy.

As illustrated on the submitted plans, the side extension will have patio doors facing west, set off the shared boundary by approx. 8.2m. It has been assessed that this element of the proposal would potentially increase overlooking. To mitigate this impact a 2m high close boarded fence is proposed to the west-facing boundary, which would alleviate any overlooking/undue impact to privacy.

Turning to the rear extension, two windows are proposed to the side/west elevation of No.86 facing this neighbour. A separation distance of approx. 16m is achieved, as well as boundary treatment in the form of a 2m high close boarded fence is proposed. Given these factors, the proposed extensions are considered to have an acceptable overlooking impact on No.167, Clough Lane.

In regard to overshadowing/ overbearing, it has been assessed that the proposal would intensify development to the front and rear of the application site, with the side extension set off the shared boundary by ~8.2m. For these

reasons, the proposed development is not considered to cause undue harm to the residential amenity of this neighbour.

Impact on 84, Fixby Road

This neighbouring property is located east of the application site. These neighbours appear to benefit from two outbuildings to the rear of the dwellinghouse.

It has been assessed that the proposal would have an acceptable impact upon the amenity of this neighbour.

In regard to overbearing, it has been assessed that the proposal would intensify development to the rear of the application site. The submitted plans illustrate the rear extension being set away from the shared boundary by approx. 0.7 metres to alleviate undue harm. The flat roof design further adds to its subservient nature and mitigates undue oppressive/ overbearing impacts.

Turning to the front extension, this element of the proposal would be inset approx. 0.2m from the shared boundary. Given the single storey nature of this extension, as well as existing boundary treatments in place, the front extension is considered to have an acceptable overbearing/overshadowing impact upon the residential amenity of No.84.

In regard to overlooking, it has been assessed that there would be some harm as a new window will be inserted into the east facing side elevation of the rear extension, as well as an east facing dormer. However, given that this is a high window with existing boundary treatment on site, which will be retained as part of this proposal, on balance any harm is not considered to be significantly detrimental. The submitted plans show the dormer to serve a hallway and kitchenette. As such it has been considered that the harm to these neighbours would not be detrimental enough to warrant refusal of the application.

71 & 73 Fixby Road

These neighbours are located opposite the application property with a 40+m separation distance achieved. Given the significant separation distance and street scene in turn, it has been noted that there would be no undue impact on overbearing, overshadowing and overlooking.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be

relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposals will result in some intensification of the domestic use, however, the increase in accommodation above the existing is limited. The proposed plans indicate the extended garage would accommodate parking for one vehicle, with the front driveway widened to provide parking for two additional vehicles. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore 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.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability

of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/91759

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the

Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

- The external render walls of the extensions hereby approved shall be of a white or grey colour finish with any slates / tiles used in the construction of the roof of the rear extension hereby approved matching those used in the construction of the existing roof in all respects. Render applied to the host property shall be of a white or grey colour finish. The materials of construction and colour finishes approved by this condition shall be thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

- The hereby approved dormer windows shall be either vertically slate hung with slates that in all respects match those used on the existing roof or be clad in dark grey cladding. The materials of construction shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

NOTE: Due to its location, a bat roost 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 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 Plan and Existing Site Plan | 1001-01 | - | 21/06/2024 |
| Proposed Site Plan | 1001-21 | A | 25/07/2024 |
| Existing Elevations | 1001-04 | A | 28/06/2024 |
| Existing Ground Floor Plan | 1001-02 | | 28/06/2024 |
| Existing First Floor Plan | 1001-03 | | 28/06/2024 |
| Proposed Elevations | 1001-24 | A | 25/07/2024 |
| Proposed Ground Floor Plan | 1001-22 | A | 25/07/2024 |

| Plan Type | Reference | Version | Date Received |
|-----------------------------|------------------|----------------|----------------------|
| Proposed First Floor Plan | 1001-23 | A | 25/07/2024 |
| Application form | - | - | 21/06/2024 |
| Design and Access Statement | - | - | 21/06/2024 |
| Climate Change Statement | - | - | 01/07/2024 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Discussions were held with the applicant's agent regarding the size of the ground floor extension, front dormer roof design and front extension design. The agent provided a full justification for the scheme as proposed, which was deemed acceptable.

Report Dated: 21/08/2024

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