

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:	2024/62/91764/W
Site Address:	6, Plover Road, Lindley, Huddersfield, HD3 3HX
Description:	Erection of two storey side and rear extension to create dwelling forming annex accommodation associated with 6, Plover Road, Lindley, Huddersfield, HD3 3HX and extend the existing dwelling
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.

John Holmes

AUTHORISED OFFICER

Date: 16th October 2024

Officer Report

[Website](#)

Site Description

6 Plover Road is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brickwork and timber cladding with a concrete tiled roof. To the front of the property is the forecourt to the dwelling with soft landscaping and fencing along the side boundaries and a dry stone wall along the frontage. To the rear of the property is a large garden area which hosts a large garden room.

Surrounding development consists of detached properties along the western side of Plover Road with modern terraced dwellings along the eastern side facing the property. To the rear of the site are allotment gardens which are within the defined Urban Greenspace on the Kirklees Local Plan.

Description of Proposal

The application is for the erection of a two storey side extension to create a dwelling forming annex accommodation associated with 6 Plover Road.

The proposed side extension would lie flush with the existing front elevation of the property and would project to the side by 3.5 metres with a depth of 6.6 metres. The extension would then widen by 0.7 metres and would then span the remainder of the depth of the property projecting off the rear of the property by 7.9 metres.

To the front elevation a gable would be formed and to the rear a first floor balcony would be formed thereby the first floor element of the extension would be set back from the ground floor rear elevation by 2.7 metres. The eaves and ridge heights would match the existing. To the front elevation the eaves height and roof ridge would match the existing house and to the rear, the roofline would be set down from the existing by 0.3 metres.

The proposed construction materials would be facing brick, timber panelling and render for the walls and concrete tiles for the roof. It is also proposed that the window openings would be anthracite grey with the doors being uPVC.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

None

Representations

We are currently undertaking the legal 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.

Final publicity date expired 16th August 2024 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None 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 without notation on the Kirklees Local Plan. The site is within an area with a known presence of bats.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- *Principle 1* – 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.”
- *Principle 2* – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- 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 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

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

Two storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

Two storey rear extensions

In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
 - Being set behind the original building, and not projecting beyond the sides; and
 - Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
 - use appropriate materials which match or are similar in appearance to the original house; and
 - not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes onto refer to Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including 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;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

The above listed policies and guidance within the SPD are taken into account within sections below of this report. On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

The proposed two storey side extension would result in a gable being formed within the front elevation of the property, two storeys in height. Whilst a gable feature would be formed, the front elevation would not project any further forward than the existing building line. Whilst this would change the front

elevation of the building, it would not be out of character with the surrounding area as the adjacent property No. 10 also hosts a front gable projection.

This part of the street is characterised by detached dwellings, of an individual design set within spacious plots. The siting of the dwellings is such that they are set at an oblique angle to one another. Large front amenity spaces, with mature trees and planting to the front amenity space boundaries are a noted feature.

The proposed extension would replace the existing single storey side extension and would also project from the rear of the property. With reference to the SPD, whilst the extension would take up most of the space to the side of the property, this is not dissimilar to the other properties within this side of Plover Road which are characterised by the built form being close to the boundaries with modest front and rear amenity spaces.

The extension would be set in from the shared boundary with no. 10 by 0.6 metres at the closest part with a path being laid to provide external access to the rear garden. External access would also be in place to the other (eastern) side of the dwelling between the eastern boundary of the site.

In addition, the roof form of the proposed extension is pitched and therefore slopes away from No. 10 which ensures that a sense of space is retained between 2 no. dwellings in accordance with Key Design Principle 2 of the SPD. The proposed construction materials would consist of brickwork, cladding and render. Whilst render would be introduced as a finishing material, it is not considered inappropriate within this location given brick would be retained to the ground floor front elevation, the mix of materials used in the street and individual design of the property.

With regards to the rear extension, this would have a side elevation which would be a continuation of the proposed side extension. Whilst the projection would be large, being 7.9 metres in projection at ground floor, in order to create a balcony, the first floor element would project 5 metres from the rear of the property.

Whilst the proposal would not be in compliance with the recommendations within the SPD, it is considered there are a number of factors which provide justification in this case. Namely that the extension would not project any further to the rear than the existing garden room, the orientation of the dwelling in relation to the neighbouring properties, the size of dwellings in this part of the street and the spacious plot is such that it is considered these lead to the conclusion that there is justification for a development of the scale as proposed in this case.

The extension would accord with Key Design Principle 2 of the SPD by being in keeping with the scale of the original house and would not cover more than half the land around the property.

The extension would be located to the side and rear of the property and whilst the side extension would be visible from public vantage points on Plover Road, it would sit comfortably within the street scene, being set back from the roadside, therefore according with Key Design Principle 1. Whilst the extensions, in totality would not meet the criteria set out within the SPD, a Design and Access Statement has been submitted with the application which explains the proposed works and the context of the existing building and proposed works. Taking this into account as well as the factors set out in this section of the report, it is considered the circumstances of this application are such that justification exists in relation to elements which do not comply with the Council's adopted House Extensions and Alterations SPD.

It is recommended that any grant of permission is subject to condition requiring the render to be a off white / cream colour finish and that the brickwork and tiles used in the construction of the development match those used in the construction of the host property.

It is considered that for the reasons above, whilst not fully in compliance with the adopted SPD, the extension is relates satisfactorily to the host building and has an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of 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.

In terms of the impact of the proposal on neighbouring properties, due to the layout and orientation of surrounding properties, the dwelling which would be most affected by the works would be the adjacent property, No. 10 Plover Road. In terms of overlooking, the new openings within the side elevation of the extension facing this property would be a door and secondary bedroom window at ground floor and a landing window at first floor. Due to the use of the openings being secondary/non-habitable, it is not considered that there would be undue harm from overlooking. The balcony which is proposed within the rear projecting section of the extension would be screened along the side elevation facing No. 10 and part of the rear elevation of the balcony to prevent overlooking. It is considered that in this instance, it would be reasonable and necessary to add an appropriate condition to the decision notice to ensure that the balcony is not occupied until the screening is in situ.

The openings within the front elevation of the extension would not decrease the established separation distances, which are over 23m from properties opposite. and the openings within the side elevation facing easterly would face into the garden area. Users of the balcony and openings in the eastern elevation of the proposal allow for a view eastwards, however this is not considered to lead to a significant level of overlooking given it faces the side elevation of no.4 and would not enable a view to be taken over the private amenity space of occupiers of no.4.

In terms of overshadowing and/or being overbearing, the distance of the extension from neighbouring occupiers, and the orientation of nos 4 and 10 in relation to the site is such that it is not considered the impact of the development would lead to a significant level of overshadowing (particularly taking account of the orientation of the site) and it is considered there would not be an impact upon outlook which would lead to a structure that would cause an overbearing / oppressive impact which is to such a degree as to warrant refusal in this case.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

Given the access arrangements to the development, and level of shared facilities required, it is considered that in the interests of residential amenity it is reasonable to require the development be used ancillary to no.6 only.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case there is one parking spaces proposed within the proposed garage and there is ample space to the front of the property to accommodate further vehicles off-street. This would comply with the aforementioned policies.

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

However, to ensure that adequate off-street parking is retained, it is considered reasonable and necessary in this case to add a condition requiring

that the annex is not to be let out of sold as a separate dwelling at any time in the future, in the interest of highway safety.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

A Climate Change Statement was submitted with the application which details the mitigation measures proposed which are considered to be appropriate to the works proposed.

Biodiversity – Paragraphs 180, 186, 187 and 188 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as the proposal is single storey.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

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 Powers

Application Number:

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 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP6, LP21, LP22, LP24 and LP33 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The residential annex accommodation approved as part of this permission shall be used solely for purposes ancillary or incidental to the enjoyment of the existing dwellinghouse known as 6 Plover Road, Lindley, Huddersfield, HD3 3HX and shall at no time be sold or rented as a separate residential unit.

Reason: For the avoidance of doubt as to the development permitted, as different amenity and parking considerations would be taken into account if the building was to create a separate unit of accommodation. This would accord with Policy LP21 and LP24 of the Kirklees Local Plan and policies within Chapter 12 the National Planning Policy Framework.

4. The balcony shall not be occupied until the 2 metre high screening as shown on drawing number PCD00200 has been installed. The screening shall thereafter be retained for the lifetime of the development.

Reason: In the interest of residential amenity and to protect neighbouring property from being overlooked at close quarters in accordance with Key Design Principles 3 and 4 of the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The colour finish of the render of the development hereby approved shall be an off white or cream colour finish. In the event an alternative colour finish is intended to be used a scheme shall be submitted to, and approved in writing by the Local Planning Authority, prior to the alternative colour finish being applied / used. The development shall not be brought into use until it has been completed in accordance with the colour finish approved by this condition.

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.

6. External brickwork used in the construction of the external walls and all external roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	TQRQM24158115712704		1 st July 2024
Existing and proposed site plan	PCD00201		5 th July 2024
Existing elevations and floor plans	PCD00199		1 st July 2024
Proposed elevations and floor plans	PCD00200		1 st July 2024
Design and Access Statement	PCDQ01A		5 th July 2024
Climate Change Statement	Appendix A		1 st July 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:

14th October 2024

Coal – low

