

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:	2024/62/91778/W
Site Address:	28, Rafborn Grove, Salendine Nook, Huddersfield, HD3 3UB
Description:	Demolition of existing outbuilding and erection of single storey wrap around extension with associated alterations
Recommending Officer:	Molly Storer

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

The application site relates to 28 Rafborn Grove, a two-storey, semi-detached dwelling located in the area of Salendine Nook. The property is constructed of brick with a facing stone to the front façade. The property benefits from a drive to the front and a sizeable garden to the rear.

The property is located on a residential street with properties of a similar age, size and style. The majority of these are semi-detached and host an integral garage. Many of these have been altered or extended in some way.

The Proposal

The application is seeking planning permission for the demolition of an existing outbuilding and erection of a single storey wrap around extension with associated alterations.

The wrap around extension is at a diagonal following the boundary line with No.26. This will extend 1.8m from the side elevation and project 14.6m to the rear. As demonstrated on the plan this will create space for a storage area and office which will have a width of 4m. Connected to this element there will be a single storey rear extension which will project 4.75m from the rear elevation and will have a width of 8.434m where it will meet the office space. This element will create space for an open plan living dining area and both elements will be of a flat roof design.

The extension would be set 1 metre away from the shared boundary with No.26 Rafborn Grove.

Planning History

2024/90581 - Prior notification for single storey rear extension - The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 3m – Approved.

2024/91036 - Certificate of lawfulness for proposed erection of single storey outbuilding to rear – Granted.

History of Negotiations

No amendments have been sought in the processing of this application as it was, on balance, considered acceptable as submitted.

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 9th August 2024.

No representations were received.

Consultations

None.

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).

The site is unallocated within the plan, although does fall within an area with a known presence of bats, and an area at low risk of ground movement as a result of former mining activity.

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:

- 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

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
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 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 extending the existing dwelling 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.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 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 single storey extension would be constructed from brick with timber cladding to harmonise with the host dwelling, thus matching in appearance and keeping similar characteristics as the existing site. The proposed works would not cover more than half the total area around the original house

The extension would be located on the shared neighbouring boundary with no.30, Rafborn Grove. Although contrary SPD guidelines, it is considered there would be no visual design benefit in setting the extension in by a metre due to this property also having an extension which is built on the boundary. The dwelling is semi-detached and although the rear element would not exceed 4 metres in height it would project 4.75m meaning it would not be SPD compliant.

However, it should be noted that there is a realistic fall back position for the majority of the proposal that could be undertaken under permitted rights as approved under previous planning applications on the site (2024/90581 & 2024/91036). This is most crucial for the rear extension with a 6m projection of which would in normal circumstances, not be considered acceptable. As a single storey up to the boundary with this projection could legitimately be undertaken, it would be unreasonable of the Local Planning Authority to refuse the application on this basis.

Section 5.17 of the SPD provides guidance for single storey side extensions, which will be used to assess the wrap around extension.

5.17 Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

- *not extend more than two thirds of the width of the original house*
- *not exceed a height of 4 metres; and*
- *be set back at least 500mm from the original building line to allow for a visual break.*

The side extension would match the rear extension and host dwelling in terms of materials used, being constructed from brick and timber cladding. The extension would not exceed a height of 4 metres. The roof would also follow on with a flat roof design.

The side extension element of the wraparound would not be set back 500mm from the original building line and would be 1 metre away from the shared boundary with No. 26. Although the design is not that of the usual wrap around extension, in this instance weight is given especially to the granted certificate of lawfulness (2024/91036) which approves the erection of an outbuilding creating a suitable fallback option. As such, it would be unreasonable of the Local Planning Authority to refuse on this basis.

It is therefore considered that in terms of visual amenity, sufficient justification exists with the realistic prospect of the fall-back position, that in this instance, it can be concluded the proposed development would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations 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.

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 No.26 & 30 Rafborn Grove.

Impact on 26 Rafborn Grove

26 Rafborn Grove is a semi-detached dwelling located to the east of the application site. The wraparound extension would have a single window within the east-facing elevation which would directly face this dwelling. This window on the submitted plans is shown to serve a bathroom however given the proximity of the extension to the shared boundary (1m), it is recommended that this window be conditioned to be obscurely glazed to retain the privacy of this neighbour.

Whilst the extent of projection along this shared boundary would not normally be considered acceptable, due to the fall-back position of the permissions on site, it is considered that in this instance it would be unreasonable to refuse on this basis. Furthermore, the majority of the extension would be screened by existing boundary treatment, which would somewhat mitigate the oppressive/overbearing impact of the extension. On balance, it is considered that the proposed development would not lead to a significant impact in relation to overlooking, overshadowing or be unduly overbearing to this neighbour dwelling to that which is approved on the site.

Impact on 30 Rafborn Grove

30 Rafborn Grove is a semi-detached dwelling located to the west of the application site. The main body of the application dwelling would screen the side extension element from this dwelling and therefore poses no impact to the residential amenity of this property.

The rear extension would be set on the shared boundary with No.30, however due to this property having a ~2.5m extension any adverse impact will be reduced. It is also considered that this would cause less harm than the approved realistic fall-back of the 6m rear extension. There are no windows proposed within the west-facing elevation of the rear extension. In this case, the rear extension is not considered to be of such a scale and siting that it would lead to a significant unacceptable level of overshadowing or create an

unduly oppressive/overbearing impact upon this neighbouring dwelling to that which has been previously approved at the site.

Overall, in this instance, due to the realistic prospect of the fall-back position on site, it is therefore considered that in terms of residential amenity, the proposed development can be justified against Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and policies 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 proposed works will not increase the domestic use of the dwelling, and it is assumed the number of occupants within the dwelling would remain as existing. The single storey side element of the extension would remove some hardstanding surfacing however this would be located in an area which would not be available to park on due to being inaccessible by car. Therefore, in light of the above, it can be concluded that a sufficient extent of parking is retained to the front of the dwellinghouse. The proposed works would not alter the existing access to and from the property in conjunction with the adjoining highway, therefore is acceptable from a highway perspective.

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 would be 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 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, above the brief information provide in the Climate Change Statement.

6 – Representations:

No representations were 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: 2024/91778

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

2. The external walls and roofing materials of the extension 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.

3. The development shall not be occupied until the window within the eastern (side) elevation of the extension hereby approved have been obscure glazed (minimum grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-

enacting that Order) the windows shall be retained as obscure glazed thereafter.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy LP24b of the Kirklees Local Plan and Key Design Principle 3 of the Council's adopted House Extensions and Alterations SPD.

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	(EX)002	-	24/06/2024
Proposed site/block layout	(20)003	-	24/06/2024
Existing floor plans and elevations	(EX)001	-	24/06/2024
Proposed floor plans	(20)001	-	03/07/2024
Proposed elevations	(20)002	-	24/06/2024
Application form	-	-	05/07/2024
Climate change statement	-	-	03/07/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

28/08/2024