

**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:	<b>2024/62/91786/W</b>
Site Address:	19, Row Street, Crosland Moor, Huddersfield, HD4 5BB
Description:	Erection of single storey rear extension
Recommending Officer:	Lucy Taylor

**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: 25-Sep-2024**

## **Officer Report.**

**Reference:** 2024/91786

**Location:** 19, Row Street, Crosland Moor, Huddersfield, HD4 5BB

**Proposal:** Erection of single storey rear extension

## **Site Description.**

19 Row Street is a terrace property located in Crosland Moor. The property is faced in coursed natural stone, with a natural blue slate roof. The property benefits from an existing lean-to single storey rear extension. Within the wider curtilage, the property benefits from private outdoor amenity space to the rear. No off-street parking is available.

The site is located within a residential area.

## **Description of Proposal.**

Planning permission is sought for the erection of a single storey rear extension.

The proposed single storey extension is to adjoin to the existing rear extension at No. 19 Row Street.

The extension will have a projection of 4 metres, a width of 2.10 metres and a ridge height of 4 metres.

The external walls of the extension shall be faced in coursed natural stone, with a lean-to roof, infilled with natural blue slate tiles.

The floor plans outline that the extension is to be used internally as a wet room.

## **History of Negotiations / Amendments Received.**

As a result of negotiations between the case officer and the applicant, a revised location plan, with a revised red line boundary, was submitted. The

revised location plan and red line boundary was around both No. 17 and No. 19 Row Street, with the applicant claiming both to be within their ownership.

As a result of the amended red line, further advertisement was carried out as required.

### **Relevant Planning History.**

- 2007/93062 – Erection of kitchen extension. *Granted conditional full permission.*

### **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: 23<sup>rd</sup> September 2024.

No representations received.

### **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 within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality

### **Supplementary Planning Documents:**

- House Extensions and Alterations SPD
- Highways Design Guide 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 4 – Decision-making
- 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

## **Assessment.**

### **1) Principle of Development**

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“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.”*

The policies referred to above with regards to the principle of development, will be assessed in conjunction with the proposals impacts on visual and residential amenity, highway safety and other material considerations below.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

## 1) 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 and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Section 5.6 of the House Extensions and Alterations SPD sets out that 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.

Whilst the proposed single storey rear extension to 19 Row Street would exceed some of the limitations of the House Extensions and Alterations SPD as listed above, it is considered that, in this instance, justifications are present for the size/scale and design of the proposal, based on the individual merits of the application site.

Whilst the projection of the extension is 4 metres to a terrace property, this matches the projection of the existing extension to the rear of the site. In addition, it is not considered necessary for the extension to retain separation from the boundary in this instance, with a revised red line boundary submitted around the neighbouring property of No. 17 Row Street, as well as No. 19 Row Street, with the applicant claiming both to be within their ownership.

It is noted that the ridge height of the extension is 4 metres, which appropriately accord with the design guidance for single storey rear extensions as set out within the House Extensions and Alterations SPD.

It is further acknowledged that the extension is to be faced in matching materials. This is welcomed from a visual amenity perspective.

For the above reasons, it is considered that the proposed development would not have a detrimental impact on the character, appearance or visual amenity of the host dwelling or wider street scene. The proposal would therefore accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1

and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

## **2) Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: “...*maintain appropriate distances between buildings*” and “...*minimise impact on residential amenity of future and neighbouring occupiers.*”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.

Whilst the proposal would see an overall reduction in the extent of outdoor amenity space at No. 19 Row Street, it is considered that a sufficient extent is retained in accordance with the House Extensions and Alterations SPD.

Given that the red line boundary on the submitted location plan is around both No. 17 and No. 19, with the applicant claiming both of these properties to be within their ownership, it is not considered that the proposal would result in any undue impacts of overbearing or overshadowing for any neighbouring properties located within the immediate vicinity of the site, sufficiently separated.

Only one window is proposed to the rear elevation of the dwelling. Given the location of this window, and that it is likely to be obscure glazed given that it will serve a wet room, it is not considered that the proposal would result in any undue impacts of overlooking towards neighbouring properties.

With regards to No. 17 Row Street, an informative note shall be included on the decision notice as part of any grant of permission regarding land ownership.

For the reasons set out above, it is considered that the proposed developments to No. 14 Laithe Bank Drive would not adversely impact on residential amenity and would accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 & 7 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

## **3) 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 and Alterations SPD which

seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal does not change the existing parking arrangements at the site and does not propose a direct increase in the domestic use of No. 19, with no additional bedrooms proposed.

Therefore, it is considered that the proposals would be acceptable and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

#### **4) 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 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.

As part of this application, a Climate Change Statement was submitted, which set out various mitigation measures. Given the nature of the proposal sought, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Key Design Principle 8, 9, 10 & 11 of the Council's adopted House Extension and Alterations SPD.

#### **5) 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 it is therefore recommended for approval.

**Recommendation: Approve**

**Decision Authorisation – Delegated Powers**

**Application Number: 2024/91786**

**Officer Recommendation: Approve**

**Conditions and Reasons:**

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

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14 & 15 of the National Planning Policy Framework.

2. The external walls of the extension hereby approved shall be faced in coursed natural stone and the roof of the extension shall be infilled with natural blue slate tiles. These materials shall thereafter be retained.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and Specifications Schedule: -

Location Plan	PP-13178425v1	-	19.08.24
Existing and Proposed Floor Plans	-	-	25.06.24
Existing and Proposed Elevations	-	-	25.06.24
Existing and Proposed Elevations and Existing Celler	-	-	25.06.24
Climate Change Statement	-	-	25.06.24
Planning Statement	-	-	25.06.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

As a result of negotiations between the case officer and the applicant, a revised location plan, with a revised red line boundary, was submitted. The revised location plan and red line boundary was around both No. 17 and No. 19 Row Street, with the applicant claiming both to be within their ownership.

**Report dated: 24.09.24**