

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:	2024/62/91788/W
Site Address:	12, Highroyd, Lepton, Huddersfield, HD8 0EB
Description:	Demolition of existing conservatory and erection of single storey rear extension
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

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91788
Location	12, Highroyd, Lepton, Huddersfield, HD8 0EB
Proposal	Demolition of existing conservatory and erection of single storey rear extension
Publicity end date	9 th August 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated on the Kirklees Local Plan
Extension to Time (EoT)	No EoT Date:
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	Yes – Kirkburton Parish Council	No comment.
Planning History	Yes	2022/93686 - Demolition of existing conservatory and erection of single and two storey side and rear extension – Refused.

		2023/91032 - Demolition of existing conservatory and erection of single and two storey side and rear extension – Conditional Full Permission. It is noted the extant permission and current proposal could not both be constructed.
Consultations required	No	

Assessment

The applicant seeks permission for the erection of a single storey rear extension. The extension would project 3.58m from the rear and have a width of 6.92m. The roof form will be a lean-to roof with an eaves height would be 2.4m with an overall height of 3.3m. Construction materials proposed are rendered walls and roof tiles to match the existing property.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – the garden area to the rear and the amenity space to the front would be retained.	
Be set behind the original building, and not projecting beyond the sides		No – the extension would extend beyond the side elevation by 2.08m. However, in this instance, it is considered acceptable due to the house being situated at a significant distance away from the street (~24m) resulting in it not being overly visible from public viewpoints.

Maintain external access to the rear garden	Yes – external access to the rear garden will be retained.	
Single storey rear extensions should:		
Be in keeping with the scale and style of the original house	The extension will have a limited projection and low eaves and overall height which will not affect first floor windows. Due to this and matching construction materials it is considered that the extension would be in keeping with the existing property.	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – does not cover more than half of the total area around the original house.	
Not exceed 4 metres in height	Yes – it does not exceed 4 meters in height	
Not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties		No - the projection from the rear wall of the semi-detached property is 3.58m. However, this is considered acceptable in this instance due to the relatively spacious size of the plot and the relatively low eaves height as well as the extant approved permission on the site which is in fact for a larger development.
Where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	Yes – the eaves height does not exceed 2.5 meters in height.	

Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – the extension would only be situated 0.38m from the boundary line to the southeast. However, on the southeast boundary due to the ~2m hedge along the boundary line and the existing conservatory already running along this boundary renders the slight deviation from guidance in this instance. Furthermore, it would be unreasonable of the LPA to insist upon this space being maintained / provided as part of this application due to the relationship that currently exists.
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Design and Visual Amenity:

The site relates to 12 Highroyd, a two storey semi-detached property in the area of Lepton.

The dwelling benefits from a front, rear and side garden, with off-street car parking available within the driveway to the front. The site is surrounded by other residential dwellings in all directions.

The application site is not located within a Conservation Area, or in close proximity to any Listed Buildings.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	KDP1 of the SPD	Limited views from public vantage points as will be located to the rear and	✓

	• Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	boundary treatment surrounds the rear of the property. The extension is a distance / design such that it is concluded to have an acceptable impact upon the street scene.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being single storey and constructed from matching materials.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey and when viewed from side elevations, although it will go beyond the side elevation will have limited visual impact due to the conservatory being replaced with the relatively small side extension and the height not affecting first floor windows.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match – render to match existing for the walls and tiles to match the existing roof. It is recommended this is secured by inclusion of an appropriately worded condition.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Simple lean-to roof design.	✓
Window proportions	• KDP 1 and 2 of the SPD	No openings are proposed in the southeast side elevation.	

	• Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The northwest side elevation will have a three panel window and the rear elevation will host 2 full length windows and bifolding doors.	
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangements	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 11 Highroyd - adjoins the application site to the south – impact to this property will be assessed below.
- 8 Highroyd – property located to the south west (rear) - with the rear elevation of no. 8 being approximately 14.7m away from the rear elevation of the proposed single storey rear extension. This separation distance is considered sufficient to prevent an undue loss of outlook and loss of light, as well as overshadowing. It is acknowledged that windows and a sliding patio door are proposed within the south-western elevation of the extension. However, these windows are at ground floor level, and would be screened by existing mature planting. Furthermore, the proposed rear extension would have a similar relationship to the existing conservatory, and as the property does still benefit from permitted development rights this does add weight to the acceptability of the proposal.
- 34-38 Ings Way East – properties to the northwest – due to the significant separation distance of ,~15m it is not considered that the proposal would cause an undue loss of outlook nor would overshadow these properties. In addition, no windows are proposed within the north-western elevation of the extension and therefore Officers have no concerns in regard to overlooking, or the loss of privacy.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There are no openings within the side elevation of the extension. It is also acknowledged that the new proposal would not have any further impact to privacy than the existing conservatory. Therefore there are no concerns in respect of overlooking or loss of privacy on no.11.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Given the property's orientation to the application site there are not any significant concerns with regards to overshadowing. Furthermore, the proposed extension whilst sizeable in length, remains single storey in height and will replace an existing single storey structure on site. As such, Officers do not consider the proposals to appear overbearing or overly dominant on this adjoining neighbour in this instance.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Property hosts a large driveway and no additional bedrooms are proposed. As such the proposal is considered acceptable in this respect.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30	Not located in a bat area, scale of development is not	✓

	Chapter 15 of the NPPF	considered to be significant in this regard.	
Carbon Budget / Climate change statement	- KDP 8, 9, 10 & 11 of the SPD - Policy LP51 - Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
None		N/A

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/91788

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.

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Key Design 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

3. 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 retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of 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	41857 1:1250	-	25/06/2024
Site plan	41857 1:500	-	25/06/2024
Existing front elevation	41857	-	02/07/2024
Existing rear elevation	41857	-	02/07/2024
Existing left side elevation	41857	-	02/07/2024
Existing right side elevation	41857	-	02/07/2024
Existing floor plan	41857 1:200	-	25/06/2024
Existing floor plan	41857 1:100	-	25/06/2024
Proposed front elevation	41857		02/07/2024
Proposed rear elevation	41857	-	02/07/2024

Plan Type	Reference	Version	Date Received
Proposed left side elevation	41857	-	02/07/2024
Proposed right side elevation	41857	-	02/07/2024
Proposed floor plan	41857 1:100	-	25/06/2024
Proposed floor plan	41857 1:200	-	25/06/2024
Proposed roof plan	41857 1:100	-	25/06/2024
Proposed roof plan	41857 1:200	-	25/06/2024
Proposed perspective image	41857	-	25/06/2024
Application Form	-	-	25/06/2024
Climate change statement	-	-	02/07/2024

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 amended or negotiations were considered necessary as part of this application.

Report Dated: 27/08/2024