

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:	2024/62/91826/W
Site Address:	31, The Courtyard, Fenay Bridge, Huddersfield, HD8 0FT
Description:	Erection of single storey rear extension
Recommending Officer:	Joanna Rednall

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: 29-Aug-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91826
Location	31, The Courtyard, Fenay Bridge, Huddersfield, HD8 0FT
Proposal	Erection of single storey rear extension
Publicity end date	13/08/2024
Number of representations received	One objection received – Concerns in relation to the high level openings in the extension leading to overlooking.
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	EoT Date: 29th August
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	✓	

If 'No' to all above, proceed with a fast track report

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
- NPPF Chapter 15 – Conserving and enhancing the natural environment

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 30** – Biodiversity & Geodiversity
- **LP 53** – Contaminated and unstable land

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	Yes	Further information was sought regarding the impact of the extension on adjoining neighbours. The applicant's agent submitted additional annotated plans.

Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

Description of proposal

The application seeks permission for the erection of a single storey rear extension.

The measurements of the extension are as follows:

- 4m projection
- 5m width
- 2.4m eave height
- 3.4m ridge height

The extension is constructed from artificial stone with a lean-to roof above infilled with concrete tiles. Patio doors are proposed to the rear elevation with a high level window to the side/south facing elevation.

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	At least half the garden area is retained as a result of the development.	
Be set behind the original building, and not projecting beyond the sides	The extension would not project beyond the sides of the host property.	
Maintain external access to the rear garden	External access to the rear garden would be retained.	

Single storey rear extensions should:		
be in keeping with the scale and style of the original house	The extension would be constructed from artificial stone to match the host property, thus in keeping with the style of the original house.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	The property does not have any previous extensions. The proposed rear extension sought under this application would not cover more than half the total area around the original house.	
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	<u>This application relates to an end terrace dwelling, and the extension would project 4m from the rear wall of the original house.</u>	The property is end terrace with dwellings south of the site set back from the building line. The extension is located to the rear of the dwelling and would not appear overbearing within the street scene. The projection, although exceeding SPD guidance, would appear proportionate in scale to the host property. Furthermore, the proposed lean-to roofing style ensures no undue bulking/massing to the overall design of the extension, ensuring that no obtrusiveness will be caused to the rear of the property.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	The extension exceeds 3m in length and the eaves height does not exceed 2.5m.	

retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	<u>The extension would only retain a ~0.5m gap from north-facing boundary.</u>	The submitted plans indicate boundary treatment in the form of 1.8m high timber fence and vegetation that would screen the majority of the development. Although the extension is not set 1 metre away from the boundary, it is considered there would be no design benefit in setting the extension in by a whole meter and it would be unreasonable of the LPA to request such an amendment in this case.
---	---	---

Design and Visual Amenity:

Summary of local street scene/character:

31, The Courtyard is a three storey end terrace dwelling constructed from artificial stone. The property benefits from an integral garage and driveway to the front and a lawned garden to the rear. To the rear of the site is an area of woodlands.

The site is located within a residential area whereby surrounding development shares similar design and architectural features.

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 • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extension is located to the rear of the dwelling with limited views from public vantage points.	✓

Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey in height with materials matching host property. The original property would remain the dominant feature.	✓
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	Minimal 4m projection and extends across the rear of the property.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Facing materials to match existing. Roof finishing material is concrete tiles with artificial stone for the walls.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Lean-to design considered acceptable.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Modest size windows in rear extension, with patio doors to the rear, sky lights above and high-level window to side elevation. These openings would appear in keeping with the existing building. All openings would be UPVC to matching existing openings on the dwelling.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would provide easy access into the main house.	✓

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:

29, The Courtyard – adjoined to the application property from north-facing elevation

The extension is set off the shared boundary by ~0.5m. While the extension would intensify development close to the shared boundary, the submitted plans indicate boundary treatment in the form of a 1.8m high fence which would alleviate some of the bulking/massing neighbouring this dwelling.

In regard to overshadowing, further information has been submitted by the applicant's agent to show a 45 degree line from the midpoint in the closest habitable window of No.29 from the proposed extension. The 45 degree line would not be significantly cut, and therefore any overshadowing impact is not considered to be significant in this case. Alongside this, the submitted plans show no additional openings to be inserted into the north facing side elevation which will mitigate any undue harm on overlooking.

33, The Courtyard – neighbouring property to the south

The extension is set off the immediate neighbouring boundary by approx. 1m. This neighbour is a separate row of terraces set back from the building line of No.31. For these reasons, it can be concluded that no detrimental impacts of overshadowing or overbearing will be caused as a result of the proposal as the distances between the properties, and scale of the proposal would mitigate any significant impact.

With regard to overlooking, one new window will be inserted into the side/south facing elevation of the extension. However given that this is a high window and existing boundary treatment, which will be retained as part of this proposal, on balance the level of overlooking possible from this window would not be significant. The high level placement of the window in the wall, and the fact boundary screening is between these properties leads to the conclusion overlooking from this elevation would not be to such a degree as to warrant refusal in this case.

There are no neighbours to the rear of the dwelling which could be impacted by the proposal.

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A
--	--	-------------------------	----------------------------

	the Kirklees Local Plan and the NPPF		
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	Acceptable for the reasons set out above.	✓
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	Acceptable for the reasons set out above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable for the reasons set out above.	✓

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:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No alterations to highway access.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No new bedrooms are proposed as part of this application. The proposal maintains appropriate access and off-street in curtilage parking.	✓

Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site.	✓
-----------------------------	--	---	---

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:

	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 • Chapter 15 of the NPPF	The site is located within a bat alert layer – note attached to decision notice regarding bats.	✓
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	The rear garden and landscaping would be retained to allow for run-off. The site is not located	✓

	LP34 of the KLP	within an identified Flood Risk Zone 2 or 3 area.	
Impact upon land stability	• Policy LP53 of the KLP • Chapter 15 of the NPPF	The site is located within an area at High risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. In this case the fact the proposal would require minimal ground disturbance works. 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.	✓
Impact upon land quality	• Policy LP53 of the KLP • Chapter 15 of the NPPF	The site is in an area with a known presence of contamination. Notwithstanding this fact the site has been recently developed inb the early 2000s and as such would have been subject to a requirement relating to land investigation / remediation. As such it is considered that, as the proposal is to develop within the rear amenity space, an assessment of land quality is unnecessary in this case. Weight is also afforded the realistic pd fall back which could allow for a similar scale of works to be undertaken.	

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 NPPE.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
The extension would lead to overlooking.	This has been assessed within the residential amenity section of this report.	✓

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: 2024/91826

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.

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, 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 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.

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.

NOTE: Chapter 15 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			04/07/2024
Climate change statement			04/07/2024
Proposed layout			20/08/2024
Planning Drawing	24 J 21	01 A	27/08/2024

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. Further information was sought regarding the impact of the extension on adjoining neighbours. The applicant's agent submitted additional annotated plans which were deemed acceptable and used for the determination of this application.

Report Dated: 28/08/2024

High coal

