

**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:	2024/62/91856/W
Site Address:	21, Abbey Road, Fartown, Huddersfield, HD2 1BB
Description:	Erection of two storey side and rear extensions
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Oct-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91856
Location	21, Abbey Road, Fartown, Huddersfield, HD2 1BB
Proposal	Erection of two storey side and rear extensions
Publicity end date	22 nd August 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated land but within a 'high risk' area from former coal mining
Extension to Time (EoT)	Yes EoT Date: 4 th October 2024
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
- 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 51** – Protection and improvement of air quality
- **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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES NO	/	SUMMARY
Negotiations/Amendments during course of application	No		
Parish/Town Council comments sought	N/A		
Planning History	No		
Consultations required	None		

Assessment

The application seeks permission for a two storey side and rear extension.

The works would incorporate a two storey side and rear extension and would enlarge the existing single storey extension on the rear elevation of the property to two storey.

The proposed side extension would be set back from the front elevation of the property by 0.3 metres and would span the full depth of the property. The extension would be built up to the side boundary of the property and would be a width of 1.9 metres to the front of the property and widens to 3.15 metres to the rear of the extension following the boundary line. The eaves height would match the existing with the roof line being set down from the existing by 0.3 metres.

To the rear of the property is a single storey rear extension. The proposed side extension would project off the rear elevation of the property and would attach to existing extension. The proposed rear extension would be by a wraparound extension from the side extension and would project 3 metres spanning the full width of the rear elevation. The first floor of the rear extension would be set in from the side boundary with the attached neighbour No. 23 Abbey Road by 1.5 metres, being built up to the boundary, as existing at ground floor level. The eaves height would match the eaves of the existing property with a hipped roof formed which would be set down from the existing ridge by 0.4 metres.

The proposed construction materials for the extensions would be to match the existing.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 and goes on to set out at paragraphs 5.16 and 5.20 on pages 28 and 29 the parameters for two storey side extensions (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 amenity space to the front of the property has been blocked paved for parking however there is adequate space to the rear of the property for a garden area	
Be set behind the original building, and not projecting beyond the sides	Yes – set behind the front of the building	No – the rear extension would project off the side however this is due to the style of the extension being a wrap around
Maintain external access to the rear garden	Yes – the shared path between the site and No. 19 would be retained	

Respect the original house and garden in terms of its size and scale	Yes – the extensions would be set back from the front elevation of the property and set down from the roof ridge and therefore subservient	
Use appropriate materials which match or are similar in appearance to the original house	Yes – materials to match	
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties	Yes – boundary line takes the extension away from the side elevation of No. 19 and the first-floor element of the rear extension is set in from the shared boundary by 1.5 metres	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Yes – projection of 3 metres and more than 50% of the land around the house remaining	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Yes – see above	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	Yes – see above	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary	Yes – the first floor of the two storey extension would be set in from the attached neighbouring property by 1.5 metres	No - the extension would not be set in from the shared boundary with No. 19 by 1.5 metres however due to the angle of the boundary would be angled away from the

		shared boundary and therefore acceptable
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre	Yes – see above	No – see above
not adversely affect habitable room windows where they adjoin a neighbour's boundary	Small side elevation opening within side of No. 19 – appears non-habitable due to size and location	See above
Side extensions should:		
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – the side extension is angled away from No. 19 due to site layout and therefore reduces its impact -set in from shared boundary at first floor level to attached neighbour No. 23 and therefore harm mitigated as far as practicable	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – side elevation opening within the side elevation facing No. 19 however this is a bathroom window and would therefore be obscurely glazed to protect privacy	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house		No – most of the space to the side of the property would be taken up by the extension however the shared path would be retained which would maintain a sense of space around the building
maintain a 1 metre gap to the side boundary to		No – see above

ensure the building is not too close to a neighbouring property		
be set back at least 500mm from the front wall of the house		No – it would be set back by 0.3 metres therefore would provide a visual break

Design and Visual Amenity:

End-terraced two storey property located within a residential area. Separated from neighbouring property No. 19 and that terrace row by a shared path which would be retained. To the front of the property is a porch and to the rear is a single storey extension. The design of the properties within the street scene are uniform in terms of being grouped into terraces of 4 no. dwellings, two storeys in height and finished in render with tiled roofs.

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	Subservient structure set down from existing ridge and set back from front elevation at both ground and first floor levels	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	As above and with matching materials	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	As above – no terracing effect would occur as the adjacent property is angled away from the proposed development	✓

	Chapter 12 of the NPPF		
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	Would match and can be secured by 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	Pitched roof to side and hipped roof to rear – acceptable in terms of visual amenity	✓
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	In keeping with existing	✓
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	No alterations to access	✓

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:

- 19 Abbey Road – adjacent property to the south – separated by a shared path – property is set at an oblique angle to the application site and therefore impact is minimised
- 23 Abbey Road – attached neighbouring property to the north-east – first floor element of rear extension set in from shared boundary by 1.5 metres and therefore complying with the SPD – ground floor element would be built up to the boundary however this is the existing situation with the potential for a permitted development fall-back position
- Beyond rear boundary – no properties within close proximity of the rear boundary that would be affected by the proposal

- Facing properties – no established separation distances would be reduced – therefore 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 privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	See 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	See above	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	See above	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Adequate garden space remaining	✓

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	N/A	N/A

	• Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF		
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Bedroom accommodation increasing to 4 no. bedrooms and therefore 3 no spaces required – 2 no. spaces can be accommodated within the site to the front of the property and no on-street parking restrictions – on balance, considered acceptable	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however ample space to front of property to store bins	✓

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	N/A	N/A

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	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:

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, LP51 and LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 15 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.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 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
Existing elevations	UD537		15 th July 2024
Existing floor plans	UD537		15 th July 2024
Location plan, proposed site plan and floor plans	UD537		15 th July 2024
Proposed elevations	UD537-01		2 nd July 2024
Climate Change Statement	Appendix A		2 nd 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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 1st October 2024

Coal - high