

# 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:         | 2024/62/91940/W                                                                                                                                                                                                                                  |
| Site Address:         | 33, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA                                                                                                                                                                                               |
| Description:          | First floor extension to existing dwelling, single storey extension to rear, creation of raised patio with access steps, single storey extension to front and detached garage to front including creation of associated hard standing and works. |
| 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.

Emma Thompson

***AUTHORISED OFFICER***

**Date: 11-Sep-2024**

### **Officer Report.**

**Reference:** 2024/91940

**Location:** 33, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

**Proposal:** First floor extension to existing dwelling, single storey extension to rear, creation of raised patio with access steps, single storey extension to front and detached garage to front including creation of associated hard standing and works.

### **Site Description.**

33 Thorpe Lane is a detached bungalow, with accommodation in the roof. The external walls of the bungalow are faced in stone and render, with a tiled gable roof. Within the wider curtilage, the property benefits from garden amenity space to the front and rear, with on-site parking available to the front elevation.

No. 33 Thorpe Lane is located within a residential area, where there are a mix of property types and designs. The application site immediately neighbours two-storey properties to the east and west.

### **Description of Proposal.**

Planning permission is sought for a first-floor extension to existing dwelling, single storey extension to rear, creation of raised patio with access steps, single storey extension to front and detached garage to front including creation of associated hard standing and works.

The first-floor extension will have the same width (9 metres) and length (10 metres) as the host dwelling. The extension will take the ridge height of the dwelling to 8.9 metres.

To the front elevation, a first-floor bay window will be created to match the ground floor bay window, with a gable roof projection proposed above, ridge height of 7.4 metres.

The single storey extension will have the same width (9 metres) as the host dwelling, with a projection of 4 metres and a ridge height of 4 metres (flat roof).

The raised patio will be raised 0.8 metres above ground level, with glazed balustrade.

A front porch is proposed, with a stone base and wooden frame open sides above. This will have a projection of 0.8 metres, a width of 2 metres and a ridge height of 3.7 metres.

A detached garage is proposed to the front of the dwelling, to have a length and width of 6 metres and a ridge height of 4 metres.

The proposed works are to be carried out in materials to match the existing dwelling, stone and render with matching roof tiles.

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

None.

### **Relevant Planning History.**

No relevant planning history at the application site or to neighbouring properties.

### **Consultations Responses.**

KC Trees (informal) – No objections.

### **Public Response.**

The application was advertised by neighbour letters.

Final publicity date expired: 26<sup>th</sup> August 2024.

In response to publicity, one objection was received, which raised the following concerns:

- As the houses are on a slope, neighbouring property is lower than No. 33. Currently the garage at No. 33 and neighbouring fence provides privacy. The plan for the raised patio to be extended further out and the garage moved further back, neighbouring property will lose privacy due to the height of the patio, as this will allow a clear view into neighbouring garden / patio.

### **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 application site is located within an area with a known presence of bats.

The site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Three Listed Buildings are located to the south west of the site, namely Coach House, The Mews and Fenay Lodge. Whilst these heritage assets are acknowledged, given the separation distance of the works proposed to No. 33 and the siting of these Listed Buildings, it is not considered that the proposal would pose detriment to their setting. As such, no further assessments relating to the historic environment are considered necessary in determining this application.

**Kirklees Local Plan:**

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality

**Supplementary Planning Documents:**

- Highways Design Guide SPD (2019)
- House Extensions and Alterations 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 December 2023, together with Circulars, Parliamentary 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 and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment.**

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

#### **Sustainable 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 proposals 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

### **1) Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- ‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’
- ‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built

*environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring: - *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.7 of the House Extensions and Alterations SPD sets out specific guidance relating to bungalows.

Paragraph 5.31 of the House Extensions and Alterations SPD sets out that: *"Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene."*

Paragraph 5.32 goes on further to set out: *"Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene (see Figure 31) and is usually unacceptable where the roof pitches and heights in the street scene are consistent."*

In this instance, it is considered that raising the ridge height of the bungalow to a two-storey level is acceptable, with other properties in the street scene two-storey in height, including those which directly neighbour No. 33 to the east and west.

Planning history to No. 31 (2010/92665) has been used to measure the ridge height of this neighbouring property, with the plans submitted for this application showing the ridge height of No. 31 Thorpe Lane to be approximately 8 metres.

Planning history to No. 35 (2003/91604) has been used to measure the ridge height of this neighbouring property, with the plans submitted for this application showing the ridge height of No. 35 Thorpe Lane to be approximately 8 metres.

The proposed first floor extension to No. 33 will take the ridge height to 8.9 metres. Given that the neighbouring properties to both sides of No. 33 have been calculated to have a ridge height of approximately 8 metres, it is not

considered that the first-floor extension would have a negative affect on the character of the surrounding street scene with regard to the proposed proportions of the application site.

With regard to the proposed single storey rear extension, paragraph 5.6 of the House Extensions and Alterations SPD sets out the following guidance parameters for such extensions:

- 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 rear extension to No. 33 is considered to be of a size/scale which appropriately complies with the above guidance. The extension will have a projection of 4 metres and a height of 4 metres, with the property detached.

Section 5.2 of the House Extensions and Alterations SPD provides guidance on front extensions, setting out that they will only be permitted where:

- the house is set well back from the pavement or is well screened;
- the extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area;
- the materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The proposed front extension to No. 33 is of a small size/scale, with open sides above a small stone base. It would be well set back from the streetscene and would be read as a subservient addition.

With regard to the proposed detached garage, paragraph 5.3 of the House Extensions and Alterations SPD sets out that outbuildings should:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and

- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

The proposed detached garage is considered to be of a subservient size/scale, when read against the proposed two-storey property. It will preserve more than 50% of the garden space at 33 Thorpe Lane, preserving the entirety of the private amenity space to the rear of the property.

Whilst it is noted that the detached garage would be erected to the front of the dwelling, rather than being set back behind the building line, it is considered that, based on the individual merits of the proposal and application site, this is an acceptable siting in this instance.

The detached garage would be set back 6 metres from the front boundary of curtilage and the topographical levels of the site mean that the garage would be set down, reducing its overall bulk / massing when viewed from the fronting highway of Thorpe Lane. It is noted that the front curtilage of the site is considered to be of a scale to support the erection of the proposed detached garage, retaining an open feel with areas of both soft and hard landscaping.

Further to the above, it is noted that the dwellinghouse across the highway to No. 33, namely No. 50 Thorpe Lane, has established a gable roofed garage to the front of the dwelling. Whilst this garage is partially screened by a solid stone wall, it is still visible from public vantage points, especially when Thorpe Lane is travelled from an east to west direction. The garage No. 50 is set much closer to the highway than that proposed as part of the development scheme to No. 33, which benefits from a set back of 6 metres.

It is also noted that the proposed extensions would retain a minimum separation distance of 1.6 metres from the shared boundary with No. 31 to the west and 3.3 metres from the shared boundary with No. 35 to the east.

All of the proposed works are to be carried out in materials which match the existing property, matching stone, render and roof tiles. The flat roof above the rear extension will be constructed from EPDM.

In summary therefore, it has been concluded that the proposals would be of a satisfactory design quality and would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, Policies LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

## **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.

The proposal is considered to retain a sufficient amount of outdoor amenity space at No. 33 Thorpe Lane, in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

The proposed extensions would retain a minimum separation distance of 1.6 metres from the shared boundary with No. 31 to the west and 3.3 metres from the shared boundary with No. 35 to the east.

The minimum separation distances between the proposed extensions and these neighbouring dwellings themselves is greater, approximately 3.6 metres from the dwelling of No. 31 and approximately 4.3 metres from the dwelling of No. 35.

As such, given the extent of separation from the neighbouring properties to the sides, it is not considered that the proposed extensions would result in any undue impacts of overbearing or overshadowing for the occupiers of either No. 31 or 33 Thorpe Lane. Furthermore, the proposed extensions comply with the 45-degree rule as set out within Key Design Principle 5 of the House Extensions and Alterations SPD.

No habitable room glazing is proposed on the side elevation facing towards No. 31 and the proposed raise terrace will be adjacent to the detached garage within the curtilage of this neighbouring property. Therefore, it is not considered that the proposal would result in any undue impacts of overlooking for the occupiers of No. 31 Thorpe Lane.

The side windows to serve the living room on the elevation adjacent to No. 35 are existing. The rear extension proposed glazing on the same side elevation, given that these are considered to be secondary windows to serve the extension, with large, glazed doors on the rear elevation, upon any grant of approval, a condition shall be imposed to obscurely glaze the side windows, for reasons for retaining appropriate levels of residential privacy.

With regard to the proposed raised terrace, this is to be raised 0.8 metres above ground level. The section of patio accommodating the steps and opening area for the rear glazed doors is situated adjacent to No. 35, with no screening. The predominant functional area of the raised terrace is screened by the repositioned garage. Therefore, on balance, given the extent to which the terrace will be raised, and the layout proposed, it is not considered that it

would result in undue impacts of overlooking towards the rear garden amenity space of No. 35 Thorpe Lane.

The works would retain a minimum separation distance of approximately 16 metres from the shared boundaries to the rear, and an even greater separation distance from the residential properties located to the rear of the site. Given this, it is not considered that the proposed works would result in any undue impacts of overbearing, overshadowing or overlooking for the occupiers of the properties located to the rear of the site.

For these reasons, the proposal is considered to have an acceptable impact on residential amenity, and subject to condition would accord with Chapters 12 & 15 of the NPPF, policies LP24 & LP52 of the Kirklees Local Plan, and Key Design Principles 3, 4, 5 & 6 of the House Extensions and Alterations SPD.

### **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 & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal would see the creation of a 4 bedroomed property. It is considered that sufficient levels of on-street parking would be provided as part of the development scheme and vehicle access to and from the property in conjunction with the highway will remain unchanged.

In turn, the proposals are considered to accord with Chapter 9 of the NPPF, LP21 & LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

### **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.

A Climate Change Statement was submitted with this application, which sets out various mitigation measures. Considering the small-scale of the proposed development, 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 and Policy LP51 of the Kirklees Local Plan.

### Bats:

Chapter 15 of the National Planning Policy Framework is 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

### Trees:

Policy LP33 of the Kirklees Local Plan sets out: *'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.'*

Officer's note that protected trees are located within the boundaries of the neighbouring properties to the site.

Therefore, as part of the determination of this application, an informal consultation response was undertaken with KC Trees.

The Trees Officer concluded that the works to the rear of No. 33 Thorpe Lane would be sufficiently separated from any protected trees and their root protection areas.

With regard to the proposed detached garage, the Trees Officer concluded that, whilst it would appear that this development would be located outside of the root protection areas of the protected tree to the west, it is not possible to confirm such a conclusion without the submission of a Arboricultural Impact Assessment. However, given the presence of retaining walls and a driveway, separating the two properties, it is assumed that the tree roots would not affect the area to site the proposed detached garage. Therefore, on balance, the proposal is considered to be acceptable with regard to trees.

## **5) Representations**

In response to publicity, one representation was received. The objection raised within this representation are set out below, accompanied with an officer response.

- As the houses are on a slope, neighbouring property is lower than No. 33. Currently the garage at No. 33 and neighbouring fence provides privacy. The plan for the raised patio to be extended further out and the garage moved further back, neighbouring property will lose privacy due to the height of the patio, as this will allow a clear view into neighbouring garden / patio.

*Officer Response: A full assessment of impacts towards residential amenity are set out within assessment section 3 of this officer's report, titled 'Impact on Residential Amenity'. It was concluded that the proposal has an acceptable impact upon residential amenity, including with regard to retaining appropriate levels of residential privacy.*

## **6) 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: 2024/91940**  
**Officer Recommendation: Approve**

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, LP30, LP33 and LP51 of the Kirklees Local Plan, 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 exterior walls of the extensions hereby approved shall be faced in stone and render to match the host property. The roof of the extensions (excluding the flat roof of the single storey rear extension) shall be infilled with tiles to match those which infill the roof of the existing property. These materials shall thereafter be retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. The development shall not be occupied until the windows in the eastern (side) elevation of the single storey rear extension hereby approved have been obscure glazed. The obscure glazing shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations 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.

Plans and Specifications Schedule:

| Plan Type | Reference | Version | Date Received |
|-----------|-----------|---------|---------------|
|-----------|-----------|---------|---------------|

|                                         |           |   |          |
|-----------------------------------------|-----------|---|----------|
| Plans, Elevations and Views as Existing | 2227 - 01 | - | 16.07.24 |
| Plans, Elevations and Views as Proposed | 2227 – 02 | - | 16.07.24 |
| Climate Change Statement                | -         | - | 16.07.24 |

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. No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

10.09.24