

**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>2024/62/92024/W</b>
Site Address:	14, Bankfield Terrace, Outcote Bank, Huddersfield, HD1 3HW
Description:	Erection of single storey side extension and alterations
Recommending Officer:	Molly Storer

**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:** 25<sup>th</sup> September 2024

## **OFFICER REPORT**

### **Site Description**

14 Bankfield Terrace is a stone-built, over dwelling terraced property set up from the level of the main road of Outcote Bank which runs parallel to Bankfield Terrace. It has small amount of garden amenity space to the front and a large 'amenity' space to the side which is separated from the property by a stone wall with a stepped entrance way. This space also provides a private right of way for neighbours at the rear to access their property. To the north is a high retaining wall above which are a wooded bank and car park.

The property is located within a small enclave of dwellings with properties of a similar age.

### **Description of Proposal**

The applicant is seeking permission for the erection of single storey side extension and alterations.

The extension would project 2.85m from the original north side elevation of a bedroom into the side private amenity space. It would then extend 12m, running along the side of the house and then along the existing high wall separating the property from the amenity space to the front. This wall would stay in place.

The proposed material for the walls is stone to match the original house with a flat roof membrane for the parapet roof. This would create space for access from the bedroom into a new kitchen and bathroom.

### **Relevant Planning History**

2023/92827 - Erection of single storey side extension and alterations – Refused.

Reasons for refusal:

1. The scale, design, siting and massing the front extension element of the proposal, would result in an incongruous and overly prominent form of development that would be out of keeping with the host dwelling and the small enclave of dwellings in which it would form part. It would cause harm to the visual amenity of the host dwelling and the character and appearance of the area. To permit the proposals would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the adopted House Extensions & Alterations SPD and paragraph 135 of the National Planning Policy Framework.

2. The proposed front extension element of the extension, by reason of its siting, scale and design would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 16 Bankfield Terrace with regards to loss of privacy an overbearing impact. To permit the proposals would be contrary to policy LP24 (b) of the Kirklees Local Plan, Key Design Principles 3 and 6 of the adopted House Extensions & Alterations SPD and paragraph 135 of the National Planning Policy Framework.

This report will assess whether the current application has addressed these reasons for refusal.

It is also noted that this application had an appeal dismissed by the planning inspectorate under appeal reference APP/Z4718/D/24/3342457, with the main issue being the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 16 Bankfield Terrace with regards to loss of privacy and outlook.

The scheme the subject of this application has been amended from that of the previously refused scheme insofar as it would see retention of an existing wall with the majority of the proposed built form being screened from view to the rear of this wall, and the only opening being a pedestrian opening already in place and which provides access.

### **History of negotiations**

No negotiations/amended plans were deemed necessary.

### **Representations**

The application was advertised by neighbour letters, which expired on 19<sup>th</sup> September 2024.

As a result of the above publicity, two representations were received. In summary the following points in objection were raised:

- The glazing to the south elevation is still a concern.
- Extension still extends beyond the building line.
- Will cause a cramped feel.
- The extension will not respect the form, scale and layout of the existing property and surroundings.
- Any attempt to screen the extension would further impact the character and appearance. There is simply not enough space for such a scheme.
- Land stability issues resulting from the proposed development.
- Land ownership, question whether the requisite notice(s) have been served.

These are discussed in more depth in the following report.

### **Consultation Responses**

None

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan but is within an area with a known presence of bats.

## **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity
- **LP51** – Air Quality

Supplementary Planning Document on House Extensions and Alterations adopted June 2021.

## **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, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

## **Assessment**

### Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Although the proposal under consideration does not project from the wall of the front elevation it does project beyond the front elevation to the side therefore this aspect will be addressed below.

*Single storey front and side extension*

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character of the area, they should be small and subservient to the main house and constructed using appropriate materials. In regard to the single storey side extension aspect paragraphs 5.15 & 5.17 of the House Extensions & Alterations SPD are of relevance which required proposed development be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension element of the proposal is small in scale and largely complies with the SPD. It would not impact on light or overlook neighbouring properties. Furthermore, it would not exceed 2/3 width of the existing house or exceed 4m in height. Even if it was not set back from the front elevation, a flush extension would not appear out of place in this enclave of properties. The proposed side extension alone would be limited in terms of its size and would be constructed using materials to match the main house, with stone for the walling. As such, the side extension is considered acceptable in terms of visual amenity.

The plans show that the front extension element of the proposal would now lie flush with the side element and would no longer extend from the front

elevation of the existing property. In the new plans this element of the extension is now shown to be set behind the existing retaining wall, not overlapping the front elevation, retaining the area of amenity space directly to the front of the property and the extensive glazing to the south elevation is removed. Therefore, it is considered that the new scheme has overcome previous reasons for refusal from the 2023/92827 application, creating a design that would not be visually harmful to the host dwelling and wider area and would not appear overly dominant.

Although the flat roof design does not match that of the original dwelling or the surrounding development, the extension would use matching materials, due to this and the extension being reduced in width from the previous application it is considered that the smaller scale nature of the extension would fit in with the scale of the surrounding development.

As such, the development is considered acceptable in terms of visual amenity.

Therefore, due to the extension being set back behind the existing retaining wall from and being reduced in size from the previous application (ref: 2023/92827) it is considered that the proposal has overcome reasons for refusal no.1 of the previous application and the proposal now complies with Policy LP24 of the Kirklees Local and is concluded as acceptable having regard to paragraphs 4.43 & 5.29 and Principle 2 of the Council's adopted House Extensions and Alterations Supplementary Design Guide, and policies within chapter 12 of the National Planning Policy Framework.

#### Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c) of the Local Plan which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact. When considering front extensions the SPD states that this should not 'unreasonably affect neighbouring properties'.

#### *Impact on 16 Bankfield Terrace*

The neighbouring house to the south occupies the same building line and same ground level as the host property. These properties occupy a relatively small area of land and are located in close proximity to one another. Due to the side extension now being set back behind the retaining wall the outlook from No.16 will remain unchanged as the extension will be screened by this wall meaning the extension will not have an unduly overbearing, oppressive impact. Furthermore, the significant amount of glazing within the southern

elevation facing onto this property as shown on plans within the previously refused application (ref: 2023/92827) has been removed. This elevation is now blank other than a single door towards the rear of the extension. It is considered that this openings, being an external doorway entrance, would not have a significant impact.

With regards to the impact on the neighbouring 16 Bankfield Terrace, the scheme has been considered in terms of KDP3 – privacy and KDP 6 – overbearing impact of the House Extensions & Alterations SPD & policy LP24 of the KLP. In terms of impact on this neighbouring occupier the proposal is considered to meet the requirements within the aforementioned policies and chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 6 Bankfield Terrace*

It is considered that due to the extension being single storey in height and being located at a significant distance away and the significant difference in levels, the development would not cause an overbearing or oppressive impact nor would impact upon the privacy of this neighbouring property.

With regards to the impact on 6 Bankfield Terrace, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD & policy LP24 of the KLP. In terms of impact on this neighbouring occupier the proposal is considered to meet the requirements within the aforementioned policies and chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 20 Bankfield Terrace*

This property is located to the front of the applicant property on a different building line facing the main road. Due to this elevation being a side elevation and having no openings in the ground level it is considered that the development would not impact the privacy of these neighbours. Furthermore, due to the extension being single storey in height and having a flat roof design the extension would not be overbearing or overshadow this property limiting the material impacts.

With regards to the impact on the adjoining 20 Bankfield Terrace, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD & policy LP24 of the KLP. In terms of impact on this neighbouring occupier the proposal is considered to meet the requirements within the aforementioned policies and chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 2 Bankfield Road*

As previously stated, the applicant property is an over-dwelling and no. 4 Bankfield Road appears to be the under dwelling, including a pedestrian access along the side of the applicant property leading to a pedestrian door. This pedestrian access is indicated to be retained within the proposal.

Given the relationship between these two dwellings the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD & policy LP24 of the KLP. In terms of impact on this neighbouring occupier the proposal is considered to meet the requirements within the aforementioned policies and chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

#### *Residential Amenity – Conclusion.*

The scheme the subject of this application is considered to have been suitably amended such that it has overcome the previous reason for refusal (reason no.2) of the previous application (ref: 2023/92827). This consideration is on the basis of the amended scheme being such that an existing wall will be retained in situ. Given this wall would be incorporated as part of the fabric of the residential extension, it is considered necessary to include a condition upon any grant of permission which removed permitted development rights, such that it prevents the ability for openings to be inserted into this wall. On the basis of the inclusion of this condition the proposal is considered to be acceptable.

Having reviewed the above, the proposal would not negatively impact neighbouring properties in terms of an overbearing impact and loss of privacy. Therefore, the proposal complies with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 131 (f) of the NPPF as well as the aforementioned key design principles of the SPD.

#### Impact on highway safety:

The proposal will not result in an extension that would provide additional bedrooms, although a new bedroom would be created internally. On balance, parking will not be materially impacted. It is noted that there is no parking within the immediate site, nor is there potential to provide this within the curtilage but there does seem to be some informal space on the drive leading up to the enclave of properties. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

#### 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 pre-dates 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.

Whilst a Climate Change Statement has been submitted, due to the limited nature of the development which is proposed, it is not considered that specific mitigation measures are required to facilitate this development.

*Biodiversity* –Chapter 15 of the National Planning Policy Framework are 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 is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the extension will not connect into the existing roof and the property in this case it appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

*Land stability*

Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls 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. 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. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

#### *Land ownership*

The applicant has signed a certificate B and had served notice which is detailed in the application form. This is considered to satisfy the requirements in relation to land ownership for the purposes of processing this application.

There are no other matters for consideration.

#### Representations:

One representation was received. The main points of the representation are as follows:

- The glazing to the south elevation is still a concern.
- Extension still extends beyond the building line.
- Will cause a cramped feel.
- The extension will not respect the form, scale and layout of the existing property and surroundings.
- Any attempt to screen the extension would further impact the character and appearance. There is simply not enough space for such a scheme.

#### Officers response:

As stated in the report above it is considered that the presence of the retaining wall will screen the majority of the extension and will not take up any amenity space directly to the front of the properties, only land behind the existing retaining wall. The sections of the report titled 'impact upon visual amenity' and 'impact upon residential amenity' address these matters.

- Land stability issues resulting from the proposed development.
- Land ownership, question whether the requisite notice(s) have been served.

Officers response:

Paragraph 184 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. As such, in this case, it is considered it would be unreasonable of the LPA to insist upon submission of further details relating to land stability given the requirement to gain of building regulations approval in relation to the development proposal.

- Land ownership, question whether the requisite notice(s) have been served.

Officers response:

Certificate B of the submitted application form has been signed, detailing those who have been served notice in relation to the proposal. This is accepted in good faith as being accurate and correct and it is considered there is no reason for the LPA to require further investigation as to whether the correct certificate of ownership upon the application form has been signed in this case.

### 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.

The proposed development is considered to have overcome previous reasons for refusal of the application set out in the 'planning history' section of this report due to the redesigned scheme reducing the openings and also the scale of built form.

Recommendation: **CONDITIONAL FULL PERMISSION**

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### **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/92024

**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. Notwithstanding the plans submitted the external walls of the development 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class A of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** To ensure the development has an acceptable impact upon the amenity of neighbouring occupiers in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles within the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

**NOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

**NOTE:** Paragraph 184 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

**NOTE:** The Council's GIS system indicates that the property is within a bat roost area and 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 to 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	-	-	29/07/2024
Climate change statement	-	-	05/08/2024
Location plan	WD2.1	-	29/07/2024
Proposed site/block layout	WD2.2	-	29/07/2024
Existing floor plans	WD3.1	-	29/07/2024
Existing elevations front and rear	WD5.1	-	29/07/2024
Existing elevations	WD5.2	-	29/07/2024
Proposed floor plans ground floor	WD3.2	-	29/07/2024
Proposed first floor plans	WD3.3	-	29/07/2024
Proposed elevations front and rear	WD5.3	-	29/07/2024
Proposed side elevations	WD5.4	-	29/07/2024

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. It was not considered necessary to seek any amendments/further information during the course of this application.

**Report Dated:**