

**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>2024/62/92122/W</b>
Site Address:	27, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NL
Description:	Erection of two storey side extension and associated alterations
Recommending Officer:	Joanna Rednall

**DECISION – Full Conditional Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 23-Sep-2024**

## **The Site**

27, Briarlyn Road is a two-storey semi detached property located in Birchenclyffe, Huddersfield. The property is faced in stone to ground floor and render to first floor with a hipped roof above, infilled with concrete tiles. There is an integral flat roofed garage to the side and the property features a bay window to the front. To the front of the property is a driveway with private amenity space to the rear.

The property is within a residential area predominantly consisting of two-storey semi detached properties with some examples of semi-detached properties with similar two-storey side extensions with two-storey gable end front features. The material palette is similar in the area and properties have driveways supporting off street parking.

## **The Proposal**

The application is seeking planning permission for erection of two storey side extension and associated alterations.

It is proposed to have a first floor storey side extension over an existing garage with a hipped roof matching the host's ridge and eaves. To this, there would be a two-storey gable frontage feature projecting forward of the host's primary elevation and an infill roof canopy over the entrance.

The extension to the side would extend the footprint of the existing integral garage by ~0.5m in width, with a path retained of ~0.7m to the side at the minimum.

The measurements of the extension are as follows:

- ~3.3m width
- ~8m depth
- Gable front feature projection from the primary elevation of the host: ~0.75m
- Height of gable front feature ridge: ~6.7m with a set down of 1.4m from the host
- Height of gable front feature eaves: ~5.2m to match the host

In terms of materials, natural stone would be used to the ground floor of the front and side elevations of the extension and brick to the rear. The first floor

of the front, side and rear elevations would be faced in render. Roofs would be surfaced in concrete interlocking tiles to match the host.

The fenestration would have matching UPVC windows and doors. The existing metal garage door would be replaced with a roller shutter garage door.

The side extension would add a store, W.C. and utility at ground floor and have a bedroom with en-suite at first floor. Plans indicate one additional bedroom overall.

### **Planning History**

There is no planning history for the site which is considered relevant to the current proposal.

### **History of Negotiations**

Upon review of the application, the applicant's agent was contacted regarding a justification of the scheme as proposed.

### **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 11<sup>th</sup> September 2024.

No representations were received as a result of the publicity.

### **Consultations**

No statutory consultations were requested for this application.

### **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

#### Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development  
LP2 Place Shaping  
LP21 Highway Safety  
LP22 Parking Provision  
LP24 Design  
LP30 Biodiversity

#### National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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Chapter 2 – Achieving sustainable development  
Chapter 9 – Promoting sustainable transport  
Chapter 12 – Achieving well-designed and beautiful places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

#### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

### **1 – Principle of development:**

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal 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 case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

### **2 – Impact on character and appearance of the area**

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Paragraph 5.19 of the House Extensions and Alterations SPD sets out that two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. It goes on, at paragraph 5.20, to state that two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

The proposed hipped side extension's additional width, bulk and massing would appear to create an unbalanced formation with its adjoined neighbouring property. The proposed massing of development to the side would appear somewhat large and dominant addition to the host. Despite this, the design clearly references existing development and extensions in the wider street scene and would appear to be in keeping to the extent to be visually integrated with built development under the House Extensions and Alterations SPD.

The overall design would have a minimal side projection over the existing single storey footprint, however it would project forward of the front elevation with the resulting built form not being subservient to the host property. This is somewhat mitigated by the hipped roof form and gable front feature appearing more subservient with the feature's dropped ridge and harmonising with its matching eaves to the host's own. This design of the extension has been

found to be acceptable elsewhere on Briarlyn Road and is not an unusual design within the street scene.

The proposed construction materials would be matching enabling the development to be in keeping with the host property and to the wider streetscene. The property boundary gap would be retained with adequate access to the rear garden. The difference in ground levels, as well as the orientation of its neighbouring property to the west (No.29), coupled with the hipped roof design, would sufficiently avoid the risk of terracing and an incongruous overly cramped form of development when considering the street scene.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

### **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

*29, Briarlyn Road*

This neighbour is located west of the application property. No.29 is located on higher ground levels to the application site.

This neighbour would have the two-storey side extension's bulk and massing built up ~0.7m from the boundary. However, given the elevated position of No.29 and orientation of the property in relation to No.27, the proposal would avoid being unduly oppressive and would have a limited impact on windows and the main amenity space. In addition, the hipped roof design and the retained external access path to the rear garden would remain approximately similar aiding in reducing the bulk and massing with some separation distance.

No. 29 has an integral garage with side elevations and windows facing above the current ground floor windows of No.27's garage and a first floor window. The neighbouring windows are not aligned with each other due to the difference in ground levels. The window to the side elevation at ground floor is a current feature, and no windows are proposed to the side elevation at first floor. The ground floor window would serve a store which is a non-habitable room. Although the window would not meet the 12m separation distance as recommended in the SPD, given the above factors, it is not considered to cause detrimental overlooking impacts to No.29.

*25, Briarlyn Road*

This neighbour is adjoined to the application property.

The neighbouring property would have the bulk and massing of the side extension screened by the host property. The projection of the minor section of the front extension would be limited to such an extent that it would preserve a 45° outlook from the bay's main front window. The proposal is therefore considered to have an acceptable impact upon this neighbour's amenity.

*34, Briarlyn Road*

This neighbour is located opposite the application site.

Given the setting and relationship between these two neighbouring properties within the street scene and in turn, the extent of the separation distance (~27m) between the proposed site of development at 27, Briarlyn Road and this neighbouring property, it is concluded that no detrimental overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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 proposed development would have an additional bedroom intensifying use and could increase the potential of the property to require 3 off street parking spaces to meet its use. The proposal would extend slightly into the front driveway, however, it is not considered to result in a significant loss of parking space. As such, the existing parking arrangement is considered acceptable in this case. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

#### **5 – Other matters:**

*Ecology*

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

### *Climate Change*

On 12<sup>th</sup> 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

### **6 – Representations:**

None received

### **7 – 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: 2024/92122**

**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 (as amended).

1. 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

2. 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 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.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	LP 01	-	29/07/2024
Existing and Proposed Elevations and Floor Plans	2024/031/03	-	29/07/2024
Application form	-	-	29/07/2024
Climate Change Statement	-	-	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. The applicant's agent was contacted regarding a justification of the scheme as proposed.

**Report Dated**

18/09/2024