

**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>2024/62/92172/W</b>
Site Address:	10, Mountfield Road, Waterloo, Huddersfield, HD5 8QY
Description:	Erection of single and two storey rear extensions with raised decking and associated alterations
Recommending Officer:	Molly Storer

**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: 24-Sep-2024**

## **The Site**

The application site relates to 10 Mountfield Road, a two storey semi-detached property in the area of Waterloo, Huddersfield. The front of the dwelling hosts an area of hard standing for on-site parking and a grassed area, along with private amenity space to the rear. The property also appears to have a side extension with an integral garage.

The application site is located within a predominantly residential area, whereby the neighbouring dwellings are of a somewhat similar design and form. The land slopes downwards from west to east, therefore the property is situated on a higher ground level than the property to the east.

## **The Proposal**

The application is seeking planning permission for the erection of a single and two storey rear extension with raised decking and associated alterations.

The single storey rear element relates to a replacement store. The proposed store would project 3.25m from the garage and would have a width of 1.8m. It would have a height of 2.5m with a flat roof design.

The two storey element would infill the space to the east of the existing rearward projection and would project 2.3m from the kitchen on the ground floor and the 2<sup>nd</sup> bedroom on the first floor, with a width of 3m. It would have a height to the eaves from the garden level of 6m and an overall height of 8m with a gable roof to match that of the existing.

The raised decking would project 2 metres from the rear (north) facing elevation and would extend 6.45 metres along the rear elevation of the dwellinghouse. The decking would have a 1 metre-high glass balustrade and would be set 0.8m above the garden level. The decking would be accessed via an external staircase, on the side facing elevation.

## **Planning History**

No relevant planning history at the site.

Looking at aerial imagery a side extension appears to be constructed between 2006 and 2009 however there is no planning history for this development.

## **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

## **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 19<sup>th</sup> September 2024.

No representations were made 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
- LP51 Air Quality

## 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
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. 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 extending the existing dwelling 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.

The decking would be constructed approximately 0.8m above the level of the original garden and extends 2 metres out over the garden. Whilst the decking is relatively substantial in size, given the position to the rear of the dwelling

together with the size of the site, with amenity space being retained to the front and rear of the dwelling, the decking is considered to be acceptable in terms of visual amenity. It would not take a substantial area of the raised rear garden.

Paragraphs 5.5, 5.6 & 5.8 of the House Extensions & Alterations SPD are of relevance with regards to the rear extensions as they require the development proposed to maintain the quality of the residential environment and relate well to the neighbouring buildings. It states rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended.

The single storey element would not maintain a gap of 1 metre to the property boundary and would project out further than 3m. However, whilst it is suggested in the House Extensions & Alterations SPD that the projection should be 3m for semidetached houses, given the limited width of the single storey element, the shortfall can be considered to be acceptable in this instance. It is also noted that the existing garage does not maintain a gap of 1m and it also built up to the property boundary therefore this element will not be visible from public viewpoints.

The two storey element has a projection of 2.3m and would form an acceptable development relative to the host property in terms of its scale. The property would retain the majority of the amenity space. The materials proposed includes the use of brick for the walling with tiles for the roof covering to match that of the rear of the property. The roof type and fenestration are considered to form an appropriate relationship with the host property. The rear extensions proposed are therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of 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.

Section 5.5 of the SPD states that 'balconies' should not negatively affect neighbouring properties or alter the local character of the area.

Section 5.1 of the SPD states that rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings.

The House Extensions and Alterations SPD also 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.”*

There are no neighbours to the front or rear which could be affected by the works proposed.

#### *Impact on 12 Mountfield Road*

This dwelling is located to the west of the application property. With regards to the proposed single storey rear extension as this infills the space between the garage and current rearward projection this element of the extension will be screened by the applicant property. The first floor of the two storey rear element will be visible from No.12 however there are no windows proposed in the west elevation and it will maintain a separation distance of ~4.1m reducing any significant overbearing or overshadowing impact. The balcony will be set off the boundary and is not considered to have any significant further impact

to this neighbour than the existing raised steps which are located to the west of the dwelling. In any case a large hedge is present along this boundary which provides screening between the properties. Therefore, it is concluded that in this case a privacy screen would not be required.

#### *Impact on 8 Mountfield Road*

This dwelling is located to the east of the application property.

With regards to the rear extensions there will be no additional windows in the east side elevation and therefore privacy would not be significantly impacted as a result of these proposed works. There would be additional bulk and massing closer to this property however the two storey element would still be located at a separation distance of 2.5m away from the property boundary and 4m away from the property and No.8. Therefore, this element, due to the separation distance and the limited projection is considered not to have a significant overbearing/overshadowing impact. With regards to the single storey element it is that this will replace an existing store in this location. Although the proposed is larger the relatively limited height and the existing ~1.8m boundary fence means that there will not be a significant overbearing/overshadowing impact. The balcony will be located at a separation distance of 2.15m away from the shared boundary, due to this and the existing ~1.8m fence between the properties it is considered that there will be no significant overlooking/overshadowing as a result of this element.

It is therefore considered that in terms of residential 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 domestic use of the application site would not increase as a result of the development there would only be an enlarged 2<sup>nd</sup> bedroom. There would be no alterations to highway access, and the level of parking on the front

driveway would be retained. This is considered acceptable in terms of KDP 15.

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 do not affect the dwelling, and therefore considered unlikely that the proposals would have an impact on the bat population.

*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. This includes KDP 8-11 of the SPD.

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. A Climate Change Statement

has been submitted with this application which provides proportionate details of the response to climate change in the development.

## **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:** 2024/92172

**Officer Recommendation:** Approval

## **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

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	24/1037/01	-	09/08/2024
Proposed block plan	24/1037/05	-	09/08/2024
Existing block plan	24/1037/02	-	09/08/2024
Existing plans and elevations	24/1037/03	-	09/08/2024
Proposed plans and elevations	24/1037/04	-	09/08/2024
Application form	-	-	09/08/2024
Climate change statement	-	-	09/08/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

26/09/2024

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