

**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:	2024/62/92303/E
Site Address:	74, Station Lane, Birkenshaw, BD11 2JE
Description:	Erection of single and two storey rear extension and detached garden room
Recommending Officer:	Edward Cheseldine

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Oct-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92303
Location	74, Station Lane, Birkenshaw, BD11 2JE
Proposal	Erection of single and two storey rear extension and detached garden room
Publicity end date	04-Oct-2024
Number of representations received	0
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	25 October 2024
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development

- NPPF Chapter 12 – Achieving well-designed place & beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	No	

Planning History	86/02445	Extension to dining room and kitchen provision of utility and W.C. – Permission granted
	2007/90244	Erection of first-floor extension – Permission Granted
Consultations required		

Assessment

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.30 on page 33 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings		Whilst the garage is a large structure, the garden space can accommodate such a building. It is a single-storey building. The structure will not compete with the existing dwelling in terms of scale or design.
Be set back behind the building line of the original building so that they do not impact on the street scene		The outbuilding will be set to the rear garden, it will not be visible within the streetscene.
Preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more	~190m2 of rear outdoor garden space will be retained which is suitable for a dwelling of this size.	

than 50% of garden space should be lost.		
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The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraph 5.20 & 5.22 on page 29/30 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be in keeping with the scale and style of the original house	The extension will form an 'infill' to a previous extension. In this case, the principle has therefore already been established. The additions will form a rectangular footprint with materials to match the existing dwelling which is in keeping with the original design of the property.	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)		When including the outbuilding, the existing and proposed extensions will be greater than half the total footprint of the house. The outbuilding is visually separate from the main dwelling. The plot is a large residential area, the additions to the dwelling will provide a 'infill' extension. It is not considered that the additions would result in a negative impact to the original dwelling.
Not exceed 4 metres in height		The extension would have an eaves height of ~5.00m .it would meet the eaves of the original dwelling and is acceptable in this instance.

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	Yes	
Where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A	
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		A 1.00m gap to the boundary will be retained. The dwelling has already benefitted from a previous side extension, which has set the parameters of the house. Although the mass would be increased on the north aspect of the site the extension would be adjacent to a similar two-storey structure, therefore it would appear relative in scale.
Careful consideration should be given to the design of part two-storey, part single storey rear extensions to ensure the proportions reflect those of the original house	In this respect, the design continues the existing form of the dwelling.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

74 Station Lane is a two-storey, detached building in Birkenshaw. The building is constructed with brick exterior walls, with a hipped roof clad in concrete roof tiles.

The building is accompanied by a large residential rear garden, front garden and driveway.

Properties in the street vary in terms of architectural style and materials, although the properties are large in scale.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extensions are to the rear of the property and are respectable in scale to nearby dwellings, therefore there will be no impact to local character.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The rear extension will form an 'infill' extension that will complete the appearance of the dwelling. In terms of the outbuilding, the materials are modern in appearance and whilst they do not match the host dwelling, considering it is an independent structure the appearance does not contribute to a change of character to the original house.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	The scale is relative to the existing dwelling, previous extension and plot. The height of the rear extension will match the host dwelling.	✓

	Chapter 12 of the NPPF		
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	Materials of the rear extension will match the host dwelling. The outbuilding will be timber clad, which given the distance of separation is acceptable.	✓
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	The roof of the rear extension would be hipped, drawing the mass away from the neighbouring dwelling. It extends the original roof form.	✓
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Window proportions of the rear extension match the proportions of the existing dwelling. The windows of the outbuilding are modern in approach, complementing the buildings contemporary design.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 76 Station Lane

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A

Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There will be rear facing windows on the new extension. They will have a view towards neighbouring, private outdoor space. Given the angle of outlook is indirect and the neighbouring dwelling overlooks the residential space of the application site to a degree, the relationship is acceptable. In terms of the outbuilding, it will have windows with an outlook from habitable rooms that face No. 76. There is a separation distance of 17.00m between habitable windows on the first-floor of No.76 and 13.60m from non-habitable windows. The House Extension and Alteration Supplementary Planning Document states in paragraph 4.10, <i>A minimum separation of: no less than 12 metres is recommended between windows of habitable rooms that face onto windows of a non-habitable room no less than 21 metres is recommended between facing windows of habitable rooms</i> In terms of habitable windows, the outlooks are set at an acute angle, there is a difference in floor levels, due to this,	✓
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		the relationship is acceptable.	
Impact on light, outlook and creating an overbearing impact to neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	There are side facing windows on the dwelling of No. 76, which are thought to light a W/C and a utility room. Whilst the relationship of the built form is close, the distance of separation is sufficient to allow a flow of light into the window. The side space is used as an access to the rear garden. Given the above, the development is not considered to be to the detriment of light or create an overbearing impact. The garden is currently bounded by a thick shrub border. The outbuilding is single storey in height, given this the outbuilding will not be overbearing to the neighbouring occupants.	✓

- 72 Station Lane

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	In terms of the outbuilding, it will have windows with an outlook from habitable windows that face No. 72. There is a separation distance of 18.00m to the first-floor windows.	✓

		The House Extension and Alteration Supplementary Planning Document states in paragraph 4.10, <i>A minimum separation of: no less than 12 metres is recommended between windows of habitable rooms that face onto windows of a non-habitable room no less than 21 metres is recommended between facing windows of habitable rooms</i> In terms of habitable windows, the outlooks are set at an acute angle, there is a difference in floor levels, due to this, the relationship is acceptable.	
Impact on light, outlook and creating an overbearing impact to neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Due to distance, there will be no loss of light, outlook or an overbearing impact.	✓

Due to distance, there are no other properties to consider.

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A

Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	None.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The number of bedrooms will increase by 2. The number of off-street parking spaces will remain as existing. It is not considered there would be a detrimental impact to the existing highway network from an increase of 2 bedrooms.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Side access for bin storage will remain.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	The applicant has a duty of care to the adjacent trees and hedges, if damages or death occurs because of the construction of the dwelling or driveway, they may be liable to damages.	✓

		The duty is to take 'reasonable care' whilst undertaking the works, and they may be liable if they damage their neighbour's tree/s or cause them to become unstable. It is therefore unwise to undertake works without first consulting an arboriculturist. The parts cut off from the tree remain the property of the tree owner, so they should be offered back.	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	N/A	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed
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Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans and Elevations as Existing	24.006/(EX)01	-	13 August 2024
House Extension Plans and Elevations as Proposed	24.006/(AL)01	-	13 August 2024
Garden Room Plans and Elevations as Proposed	24.1220/(AL)02	-	13 August 2024
Climate change statement	-	-	13 August 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. None required.