

**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:	2024/62/92308/E
Site Address:	Tall Trees, 12, Milford Grove, Birkenshaw, BD19 4BB
Description:	Erection of extensions and alterations
Recommending Officer:	Jennifer Booth

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: 15-Nov-2024

OFFICER REPORT

Site Description

Tall Trees is a detached brick built dwelling with elements of render detailing on the front elevation. The property has a single storey, full width element on the front elevation with a flat roof form, a single storey garage attached to the side and a single storey extension to the rear. There is a garden and drive to the front with a larger enclosed garden to the rear.

The property is located on a cul de sac with properties of a similar age and style.

Description of Proposal

The application is seeking planning permission for extensions to the front, side and rear of the dwelling and to render and stone clad the property.

The width of the existing front extension would be increased to include the area to the front of the garage. The roof form would be retained as a flat roof form.

The garage would be replaced with a two storey extension the full depth of the dwelling as existing and on the ground floor in line with the proposed rear extension. The roof form would be a perpendicular pitch.

The rear extension project 4m from the original rear wall of the dwelling, extending across the width of the original house at a two storey height with a matching pitched roof and single storey to the rear of the side extension with a flat roof and lantern.

The plans show altered fenestration on the front elevation with stone cladding detail on part of the ground floor and render at first floor.

Relevant Planning History

2020/94217 - Extensions and alterations including increase in height - Refused

2022/92039 - Extensions and alterations - Refused

2022/93157 - Erection of extensions & alterations - Approved

Representations

The application was advertised by neighbour letters, which expired on 08/11/2024

As a result of the above publicity, no representations have been received.

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 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 53** - Contaminated land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 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.

- 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

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.

Planning permission was granted in 2022. The current proposal seeks permission to increase the projection from the approved 3.2m to 4.2m. As such, the current scheme shall be assessed below, however, the principle of a similar extension has been established as acceptable.

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 consists of a number of distinct elements, the proposals as a whole shall be considered in terms of visual amenity below.

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, they should be small and subservient to the main house and constructed using appropriate materials. Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case by case basis.” Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to 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. Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The works proposed include increasing the width of the single storey element to the front and extending in front of the proposed side extension, the two storey side extension which is intended to replace the existing garage along with a single and two storey rear extension. The overall appearance of the dwelling would be positively updated in terms of design and appearance of the main house.

Although the properties on Milford Grove are similar in terms of age, the majority of the other properties have undergone some form of extension and modification and there is a mixed palette of materials within the street scene. The works proposed would therefore be in keeping with the wider street scene. The scale can be considered to be acceptable relative to the size of the host property and its associated curtilage. The use of the combination of render and slate cladding along with the fenestration proposed would result in a modern appearance which would be acceptable given the mix within the street scene. Whilst the slate cladding is a new element in the wider area, the areas to be clad are limited in size and this would provide a subtle visual accent. It is noted that the front extension and the single storey rear would have flat roof forms. However, the front extension is a continuation of the existing arrangement on site and the single storey rear extension is of a contemporary design which can be considered to form an acceptable relationship with the overall modernisation of the dwelling and the mixed finishes in the wider area.

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.

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), 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.

Impact on 10 Milford Grove

The host property is a detached dwelling and there is approximately 5m of space between the host property and the adjacent neighbour to the west, 10 Milford Grove. It is appreciated that the extension to the side would reduce the space between the properties. However, the neighbour's side elevation is blank and there is the neighbour's garage between the properties. The side and rear extensions would bring the dwelling closer to the neighbour's amenity space, although the extension would be single storey on the rear corner which would limit the impact to a degree. As such, although there will be some impact on the adjacent property, this would not be so significant to justify refusal in terms of the impact on the amenities of the occupiers of the adjacent neighbour. The side bedroom window (4) is shown as high level and secondary, as such it is not considered to result in any loss of privacy to the neighbouring occupants due to its positioning.

With regards to the impact on the adjacent 10 Milford Grove, 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 c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 4 Milford Grove

Given the layout of the properties on Milford Grove, the rear of the dwelling faces towards the rear elevation of the neighbouring 4 Milford Grove. However, the separation is more than 25m and the relationship between the properties is angled. Therefore, it is considered that there would be no overlooking, overbearing, or overshadowing.

With regards to the impact on the adjacent 4 Milford Grove, 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 c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 381 Bradford Road

To the south-east of the host property is the neighbouring 381 Bradford Road, which lies 25m from the site, with the rear elevation of the applicant's property facing towards the rear corner and side elevation of the neighbouring property. Given the relationship between the properties in terms of both the angling and the separation distance, officers are satisfied that there would be no significant impact on the amenities of the occupiers of the neighbouring property in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 381 Bradford Road, 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 c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 381a Bradford Road

The adjacent property to the north east, 381b Bradford Road occupies a position approx. 9.5m from the host property. The neighbouring property occupies a lower position than the host property. As the works proposed would bring the host property no closer to this neighbour, officers are satisfied that the impact on the amenities of the occupiers of the adjacent dwelling with regards to overshadowing, overbearing or overlooking would not be significant given the space and orientation.

With regards to the impact on the neighbouring 381a Bradford Road, 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 c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the space to the front is sufficient for two vehicles which is considered to represent a sufficient provision when taking into account the garage is retained. 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 Extension SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

Carbon Budget

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. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

The render detail should be finished with an off white to ensure a satisfactory appearance.

Given the proximity to a source of potential land contamination, it is considered to be reasonable and necessary to include a condition regarding the reporting of unexpected contamination.

Conclusion:

This application for extensions and alterations to Tall Trees has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given

the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, 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: 2024/92308

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The render elements of the original house and extensions hereby approved shall be finished with an off white colour and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11)*, National Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing plans	100	1054552	19/09/2024
Proposed elevations	201D	1054550	19/09/2024
Proposed floor plans	200D	1054551	19/09/2024
Climate change statement	-	1058643	19/09/2024

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 Planning 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated

13/11/2024