

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:	2024/62/92322/W
Site Address:	24, Dryclough Avenue, Crosland Moor, Huddersfield, HD4 5JU
Description:	Demolition of garage and erection of extension to side and rear with associated alterations (retrospective)
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 06-Dec-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92322
Location	24, Dryclough Avenue, Crosland Moor, Huddersfield, HD4 5JU
Proposal	Demolition of garage and erection of extension to side and rear with associated alterations (retrospective).
Publicity end date	29 th February 2024
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan
Extension to Time (EoT)	Yes EoT Date: 6 th December 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 and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

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	Yes	Concerns were originally raised with the agent with regard to the fully glazed doors facing No.22 as it was considered that this may cause a significant level of overlooking to the neighbouring property. The agent responded with plans to show a 6 foot timber fence between No.22 and 24 to create a division for visibility and privacy. It was also stated that these fully glazed doors will be replaced with obscure glazing to further protect privacy.
Parish/Town Council comments sought (Kirkburton)	Yes	
Planning History	No	
Consultations required	No	

Assessment

Demolition of garage and erection of extension to side and rear with associated alterations (retrospective).

The single storey rear extension extends 5.93m from the south elevation and has a width of 11.2m. The height to the eaves would be 2.6m with an overall height of 5.2m.

The single storey side extension will extend from the west side wall of the rear extension by 4.05m and will have a width of 5.38m with a height to the eaves of 2.6m and an overall height of 4.2m.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – there is a large garden area to the rear more than half of this will be retained.	
Be set behind the original building, and not projecting beyond the sides	Yes – the rear extension element is set back in line with the original house.	No – the scheme includes a side extension – this will be discussed further on in the report.
Maintain external access to the rear garden	Yes – the plans show that external access will be maintained.	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house	Yes, due to being single storey in height the extension will be in keeping with the scale of the original house. The proposed materials of brickwork for the walls and clay roof tiles will match the host property.	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes – the extension will not cover more than half of the total area around the original house.	
not exceed 4 metres in height		No – the height will be 5.2m however this is considered acceptable as it matches the ridge height of the original house and this the maximum height of the gable – the eaves measure a modest 2.6m.

not project out more than 3 metres from the rear wall of the original house for semidetached and terraced houses or by 4 metres for detached properties		No – the property is detached and the projection will be 5.93m from the rear. However in this instance this is considered acceptable due to the large plot and due to it being single storey in height.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – the extension will exceed 3m and the eaves height will be 2.6m however the additional 0.1m is considered acceptable as this matches the eaves height of the original property.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge	Yes – a gap of more than 1 metre will be retained from the property boundary's.	

As part of the extension extends beyond the side elevation of the extension it is also considered a side extension and therefore will also be assessed in relation to this.

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraphs 5.15, 5.16 and 5.17 on page 28 (and listed below) and if they do not, they need to be justified.

Side extensions	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – The side extension would be positioned away from neighbouring properties and would be situated well within the property boundary.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes- there were originally concerns with regard to the glazed doors looking onto the property at No.22. However, the agent provided plans to show a 6 foot timber fence between No.22 and 24	

	to create a division for visibility and privacy. It was also stated that these fully glazed doors will be replaced with obscure glazing to further protect privacy. This will be conditioned upon any grant of approval.	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	Yes – the extension will have a projection of 4.05m, less than two thirds of the width of the original house.	
not exceed a height of 4 metres		No – the height of the side extension will be 4.2m however this is considered acceptable as it is set down significantly from the overall height.
be set back at least 500mm from the original building line to allow for a visual break	Yes – set a significant distance behind the original building line.	

Design and Visual Amenity:

The application site refers to 24 Dryclough Avenue, a single storey, detached property in the area of Crosland Moor. The dwelling hosts a large garden to the rear which wraps around the west side elevation. To the front and east side elevation there is a driveway/area of hard standing. The property is constructed from brick and render with clay roof tiles, which are common materials used within the streetscene. The surrounding properties on the residential street are of a similar age, style and design.

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	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Limited views from public vantage points as will be located principally to the rear. The side extension is significantly set back from the road such that it is concluded to have an acceptable impact upon the street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being single storey and being constructed from matching materials.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Single storey with a limited height of 5.2m – the same as the existing house and gable roof forms to match the original and surrounding properties means that in terms of height, scale and massing the extension would be subservient to the original house and the wider street scene.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The walls are proposed to be facing brickwork with clay roof tiles to match the existing property. Condition recommended to ensure the materials match those of the host property.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Gable roof deigns to the rear and side extensions to match that of the original house and others within the street scene.	✓

Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	There will be a single window in the east side elevation and one in the west. To the rear there will be three small windows and one double door to reach the rear of the property. In the front elevation there will be a double door which will be conditioned to be obscurely glazed upon any grant of approval.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangement. External access to the rear of the property will remain.	✓

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:

The main properties affected are:

- 22 Dryclough Avenue – Property located to the northwest of the site – impact to this property will be assessed below.
- 13 Dryclough Avenue – Property located to the northeast of the site – due to the building line of this property being set forward to the applicant property and a separation distance of 4.8m to the property boundary it is considered that there will be no significant overbearing/overshadowing impact to this property. There is an additional window proposed to face this property however it is considered that it will not cause any further significant impact than the existing situation. The single storey side extension will be located to the opposite side of the property and therefore will have no impact to this neighbour.
- There are no properties to the front or rear, due to the orientation of the properties and large rear gardens, that would be impacted by the proposed development. The closest habitable window to the extension is ~25m away resulting in no significant residential amenity impact.

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A
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	the Kirklees Local Plan and the NPPF		
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 were originally privacy concerns with regard to the glazed doors looking onto No.22. However, the agent provided plans to show a 6 foot timber fence between No.22 and 24 to create a division for visibility and privacy. It was also stated that these fully glazed doors will be replaced with obscure glazing to further protect this neighbours privacy. This is now considered acceptable.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The extension will be located primarily to the rear of the applicant property. This means that due to the orientation of the properties there will be a separation distance of 15m to the property at No.22. due to this and the single storey nature nit is not considered to cause significant overbearing or overshadowing impact to this neighbour.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Acceptable level of remaining garden space.	✓

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:

	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	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal indicates 2 additional bedrooms at the property making it a 5 bedroom house however the site has a large driveway so it is considered that adequate parking space remains on site.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

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:

	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	N/A	N/A

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	The rear garden would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

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 ✓ / X / N/A
Objection - Glazed door for the bedroom would look directly into neighbouring property.	The agent has provided plans to show a 6 foot timber fence between No.22 and 24 to create a division for visibility and privacy. It was also stated that these fully glazed doors will be replaced with obscure glazing to further protect this neighbours privacy. This will be attached as a condition on any grant of approval.	✓

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/92322

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 and roofing materials 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. The double door within the side, north elevation of the side extension upon submitted plan titled Proposed Grouped + Plans & Elevations (ref: A104) shall be obscurely glazed.

Reason: In the interests of residential amenity and to accord with Policies LP24 of the Kirklees Local Plan, principle 3 of the House Extensions and

Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing location plan	A102	-	16/08/2024
Existing site plan	A100	-	16/08/2024
Existing grouped plans and elevations	A104	2	29/11/2024
Proposed Grouped + Plans & Elevations	A104	2	29/11/2024
Application form	-	-	03/09/2024
Climate change statement	-	-	03/09/2024

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 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. Due to privacy concerns with regard to the original plans showing fully glazed doors facing No.22 the agent was contacted to mitigate this impact. The agent responded with plans to show a 6 foot timber fence between No.22 and 24 to create a division for visibility and privacy.

Report Dated: 6th December 2024