

**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>2024/62/92431/W</b>
Site Address:	10, Netherley Drive, Marsden, Huddersfield, HD7 6HL
Description:	Erection of car port to side and canopy to front porch, formation of sloping front driveway and alterations to windows and doors
Recommending Officer:	Joshua Merriman

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 23-Oct-2024**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2024/92431
<b>Location</b>	10 Netherley Drive, Marsden, HD7 6HL.
<b>Proposal</b>	Erection of car port to side and canopy to front porch with formation of sloping front driveway, with dropped curb, and alterations to windows and doors.
<b>Publicity end date</b>	10/10/2024
<b>Number of representations received</b>	1
<b>Kirklees Local Plan Allocation/Designation</b>	No allocation in the Kirklees Local Plan.
<b>Extension to Time (EoT)</b>	No
<b>Recommendation</b>	Conditional Full Permission

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

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 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	<b>YES / NO</b>	<b>SUMMARY</b>
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Negotiations/Amendments during course of application	Yes	The use of dark grey roof sheeting on the car port has been amended to a blue slate roof to match the original building. Representations received raised the possibility of the development being sited 50cm from the site boundary. The amended plans demonstrate this distance would be achieved.
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	Yes	KC Highways – Requested a swept path from the applicant to determine if a wider dropped curb is necessary and request a parking plan for two spaces. They recommended there adequate space for a bin collection point on private land is achieved and advised the applicant be made aware that a section 184 agreement is needed for the dropped crossing.

### **Assessment**

The application seeks permission for the erection of car port to side and canopy to front porch, formation of sloping front driveway and alterations to windows and doors

The dimensions of the front porch extension are 3.02m height, with an eaves height of 2.16m, and a 1.71m width, projecting 0.93m from the front elevation of the house.

The proposed car port has a minimum projection from the side of the property of 1.82m and a maximum projection of 4.45m, with a length of 6.49m, maximum height of 3.34m and an eaves height of 2.92m.

The Kirklees SPD sets out that extensions should comply with certain parameters set out at paragraphs 5.14 on page 27, and paragraphs 5.16 & 5.17 on page 28 (and listed below). Where a development does not comply they need to be justified:

<b>Single storey front extensions permitted where:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
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The house is set well back from the pavement or is well screened	The house is well set back from the pavement.	
The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area	The proposed front porch is small in scale and subservient to the original building, utilising materials to match the original house, thus, not harming the character of the original house or the area surrounding.	
The materials and design match the existing features of the original house		The blue slate roof utilised matches the existing building, however, the timber frame proposed would not match the existing building. In this case it is considered the scale of the proposal coupled with the open sided design is such that use of timber would not have a detrimental visual impact.
The extension would not unreasonably affect the neighbouring properties	The front porch extension will have no significant impact upon neighbouring properties as it is set back an adequate distance from the pavement and retains acceptable gaps to the neighbouring properties.	

<b>Side extensions</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	The car port will not have a significant impact on the levels of light to neighbouring rooms in neighbouring properties.	
Positioning windows to minimise or avoid any	The car port is not a solid structure,	

potential overlook into neighbouring gardens	therefore, contains no windows. The resultant increase from overlooking as a result of this element of the proposal is not considered to be significant.	
<b>Single storey side extensions should:</b>		
not extend more than two thirds of the width of the original house		The car port projects 4.45m from the side elevation of the original building and the original dwelling has a width of 5.91. This means the car port will extend more than two thirds of the width of the original house. However, due to the nature of the car port not being a solid extension, and the orientation of the dwelling within the street it is considered that in this case the impact of the level of projection of the development would not be significant.
not exceed a height of 4 metres	The maximum height of the car port is 3.34m	
be set back at least 500mm from the original building line to allow for a visual break		The front of the car port roof lies flush with the front elevation of the original building, however, a visual break is maintained due to the open sided design of the car port.

**Design and Visual Amenity:**

*Summary of local street scene/character:*

10 Netherley Drive is a semi-detached home located in an estate of mostly semi-detached and terraced houses, of similar size, scale, and character. The

property lies on a bend. The property benefits from amenity space to the front and rear, allowing the proposed front porch to be set back adequately from the pavement, and the introduction of a proposed driveway and car port.

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

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	Due to the proposal utilising roof materials that match the existing building and the overall design of the scheme it is considered there will be no significant impact on the local character or surrounding street scene.	✓
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The front porch extension is subservient in size and scale, and the car port is an open structure, therefore, the impact on the original house is not considered to be significant.	✓
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposals are subservient to the original building in height and scale, meaning they will have no significant impact on the existing dwelling.	✓
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The facing material of timber frames do not match the existing building but are considered to be an acceptable construction material in this case taking account of the roofing material of construction and the open sided design of the	✓

		structures, therefore, it is considered the proposal would have no significant impact on the character of the building and area.	
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The roof is to match the existing property with blue slate material.	✓
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	There are no windows forming part of the development proposal.	✓
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Private domestic extension – no alterations to general access arrangements.	✓

The creation of the driveway and associated surfacing is not considered to have a significant visual impact and is considered to be acceptable. This is having regard to the intended material of construction which would be gravel with sleeper beams (as set out in the submitted application form). It is noted such development could likely be undertaken by utilising permitted development rights as set out Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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:

- 8, Netherley Drive, Marsden, Huddersfield, HD7 6HL – Neighbour to the East, will be located next to the proposed car port.

	Relevant key design principle (KDP) of the SPD, Policy in	Further comments	✓ / X / N/A
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	<b>the Kirklees Local Plan and the NPPF</b>		
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	As the proposed car port is an open structure located next to non habitable windows in the neighbouring property, it is considered there will be no significant impact upon the neighbours privacy.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Given the size and scale as well as the open sided design of the development, the impact on light and outlook for the neighbouring property is not considered to be significant.	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> <li>• KDP 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposal will not cause significant overbearing or overshadowing given the single storey and open sided design of the structures.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The property will retain amenity space to the rear which is deemed acceptable.	✓

It is considered the impact of the creation of the driveway upon the amenity of neighbouring occupiers would not be significant and whilst there would be more vehicle movements in closer proximity to dwellings, this is not considered to be an impact significantly over and above that which would be expected in a residential locality. 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:**

	<b>Relevant key design principle (KDP) of the SPD, Policy in</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>

	<b>the Kirklees Local Plan and the NPPF</b>		
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	As the proposals are set well back from the nearest road (Netherley Drive), there will be no significant impact on highway safety.	✓
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed plans are designed to create parking spaces at the property; therefore, off street parking provision will be improved than that which is currently available.	✓
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Although nothing specific is detailed in the plans, adequate space will remain on the site for waste storage.	✓

The proposal is therefore concluded to be 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:**

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposals are not close enough to have any significant impact on trees.	✓
Impact on ecology	<ul style="list-style-type: none"> <li>• KDP 12 of the SPD</li> <li>• Policy LP30</li> </ul>	Twite buffer – no interaction with the roof of existing property. Impact upon ecology is	✓

	<ul style="list-style-type: none"> <li>Chapter 15 of the NPPF</li> </ul>	not considered significant in this case.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>Policy LP51</li> <li>Chapter 14 of the NPPF</li> </ul>	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	<ul style="list-style-type: none"> <li>KDP 14 of the SPD</li> <li>Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	The driveway is intended to be constructed from porous materials. The site is not located within an identified Flood Risk Zone 2 or 3 area. The scale of the development is such that it is considered the impact of the proposal would not be significant in this regard.	✓

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
<ul style="list-style-type: none"> <li>Consider the plans to look great.</li> <li>Extra debris / run off should fall from Car port roof within curtilage of the site by a gap of 50cm being provided between the side of the extension and the boundary.</li> </ul>	Amended plans were submitted showing a 0.5m distance being provided between the boundary of the site and the side / gutter of the proposed development.	✓

## 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:** 2024/92431

**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, 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. The roofing materials of the extensions 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.

**NOTE:** The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are

required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

<b>Plan / Document Type</b>	<b>Reference</b>	<b>Date Received</b>
Application Form	-	28/08/2024
Climate Change Statement	-	28/08/2024
Location Plan dated 27 <sup>th</sup> August 2024	-	28/08/2024
Existing Floor Plans	P00	28/08/2024
Existing Elevations	P01	28/08/2024
Existing Elevations – Sections	P02	28/08/2024
Site Plan	P10Rev3	14/10/2024
Proposed Floor Plans	P11Rev3	14/10/2024
Proposed Elevations	P14Rev3	14/10/2024

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 considered necessary to seek an amendment for the roof material used on the proposed car port, changing this from grey roof sheeting to a blue slate roof that matches that of the existing dwelling.

**Report Dated:** 14/10/2024