

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:	2024/62/92442/W
Site Address:	87, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NW
Description:	Erection of two storey front and side extensions and single storey rear extension
Recommending Officer:	Faiza Bano

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: 23-Oct-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92442
Location	87, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NW
Proposal	Erection of two storey front and side extensions and a single storey rear extension
Publicity end date	16 th October 2024
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	Unallocated, LB Airport Consult Area 1, Low Risk Coal Area
Extension to Time (EoT)	No
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) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed 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	N/A
Parish/Town Council comments sought	No	N/A

Planning History	Yes	Planning Ref: 2008/90572 Location: 87, BRIARLYN ROAD, BIRCHENCLIFFE, HUDDERSFIELD, HD3 3NW Proposal: ERECTION OF 2 STOREY AND SINGLE STOREY EXTENSIONS Decision code: FC Decision: FC - CONDITIONAL FULL PERMISSION Decision Date: 2008-03-28
Consultations required	No	N/A

Assessment

The Kirklees SPD sets out that single storey front extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

Front Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be set well back from the pavement or is well screened; (5.14)	Yes – the house is well set back from the pavement. It benefits from an open front garden and driveway to the side and a screened rear garden.	
The extension is small, subservient to the original building,	Yes – the extension would appear subservient and has been designed with a lean-to roof, in-keeping with host property.	
The materials and design match the existing features of the original house; and	Yes – materials would match existing	
The extension would not unreasonably affect the neighbouring properties.	Yes – the modest scale would result in minimal impact on neighbouring property.	

The Kirklees SPD sets out that two storey front extensions should comply with certain parameters set out in paragraph 5.22 on page 30 (and listed below) and if they do not, they need to be justified:

Two Storey Front Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
ideally be visually smaller in relation to the original house;	Yes – the extension would appear smaller than the host property. Justification is considered to be present; weight is afforded to the individual style characteristics of the majority of dwellings on the street and whilst the host property is one of a small number of the same house type, the street is a mix of single and two storey dwellings with protrusions to the front, which is not an uncommon feature.	
be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;	Yes - the house is set back from the pavement; the extension is not considered to cause detriment to the street scene whereby front projections are evident. The siting of the dwelling is not part of a linear form and as such in this case it is considered there is sufficient justification present such that it is considered refusal on the basis of the impact of the two-storey element to front could not be substantiated in this case.	
have a roof design that follows the form of the existing roof; and	The proposed extension has been designed with a gable roof, in-keeping with the host property.	
retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.		No – a 700mm gap is retained, however, this is considered acceptable due to the host property sitting on a higher ground level to neighbouring property number 85; which

		also has a similar extension closer to the boundary line and in this case, it would not seem reasonable to refuse the application on this basis.
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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 on page 29 (and listed below) and if they do not, they need to be justified:

Two Storey Side Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
not take up all or most of the space to the side of a house;	Yes – the extension does not cover more than half of the total area around the original house. The proposed extension projects out by approximately 3m which is in keeping with the SPD. Considered acceptable due to neighbouring properties numbers 69, 75, 85 and 89, having a similar extension. Ample garden space will be retained to the front and rear of the house.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and		No – a 700mm gap is retained, however, this is considered acceptable due to the host property sitting on a higher ground level to neighbouring property number 85. It is considered a terracing affect would not occur as a result of the two-storey side extension.
be set back at least 500mm from the front wall of the house.		No – the proposed two storey side extension results in the creation of a front extension which would form a two-storey gable. In terms of this part of the development and the requirements of the SPD, the house is set

		back from the pavement, the extension is not considered to cause detriment to the street scene whereby (two-storey) front projections are evident.
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The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.2 on page 23 (and listed below) and if they do not, they need to be justified:

Rear Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
respect the original house and garden in terms of its size and scale	Yes – the extension does not cover more than half of the total area around the original house. The proposed extension projects out by approximately 3.1m which is in keeping with the SPD. The proposed development would have an eaves height of 2.1m, which is acceptable due to neighbouring properties having a similar extension. Ample garden space will be retained to the rear of the house.	
use appropriate materials which match or are similar in appearance to the original house; and	Yes - to match existing	
not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.	The proposed extension will not overshadow neighbouring properties. Due to the modest scale of the proposed extension, there will be no impact on the loss of outlook of neighbouring properties.	

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

Summary of local street scene/character:

The site to which the application site relates to is number 87 Briarlyn Road. The property is a two-storey semi-detached dwelling constructed from stone and brick and is roofed with concrete tiles. The property benefits from a garden to the front and rear, with an accessible driveway to the front. The property is situated within a residential area and the street scene encompasses several dwellings that vary in terms of size, design and scale.

It should be noted that at the time of the Case Officer's site visit, the property had a single storey rear extension with lantern roof. The current proposals include a single storey rear extension with lean-to roof and the Officer Assessment is based on the proposals as shown on the submitted plans.

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 extension is generally modest in scale and due to neighbouring properties having similar extensions, the proposed development would not appear overly prominent. The proposed development would be located to the front, side and rear of the property and will not impact the character or street scene across the frontage of the property.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The original property would remain the dominant feature.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c)	As above. The extension would project across the front, side and rear of the property. The proposed development consists of	✓

	- and (d) of the KLP - Chapter 12 of the NPPF	a single-story extension to the front, a two-storey extension to the front, a two-storey extension to the side and a single storey extension to the rear.	
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	Facing materials to match existing.	✓
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Lean-to roof style to front and rear single story extensions. The two-storey side and front extensions form a gable roof to the front. Both roof styles are acceptable as they are in-keeping with the original roof style of the host property.	✓
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Modest size windows in rear extension, which would be in-keeping with existing building.	✓
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Private domestic extension which would provide easy access into the main house.	✓

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:

- 89 Briarlyn Road- the proposed extensions will not overshadow this property or its garden space. Due to the height/scale, there will be no impact on the first floor. No/limited impact to number 89, extension is designed ensure privacy to neighbours and will not produce conflict relating to light and outlook.
- 85 Briarlyn Road – As above and no/limited impact to number 85. Due to the host property sitting on a higher topography, the extension will not directly impact the property including access to the rear. This property has a similar two-storey extension and single storey rear extension.
- There are properties immediately to the front. However, the proposed extension is the set back from the pavement and it will not impact the properties opposite.

	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	Acceptable for the reasons set out above.	✓
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	As above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	As above.	✓

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	Parking is predominantly provided on-street and in curtilage at the rear, which remains acceptable due to the location of this property and the neighbouring houses – off the main through-fare. The property also has a rear driveway big enough to fit a car after the construction of the proposed extension.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Maintains appropriate access and off-street in-curtilage parking.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	✓

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	N/A	✓

	• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF		
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 and landscaping 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:

The application was advertised via neighbour notification letters.

Final publicity date expired: 16th October 2024

In response to publicity, two objections were received, which raised the following concerns:

Objection 1

- There are concerns that, following the completion of the extension, the house will be used for multi-occupancy. If this occurs, parking will

become a significant issue. Briarlyn Road is already a busy street, and additional roadside parking will exacerbate traffic flow problems.

Officer's Response:

While the concern regarding potential parking issues due to the house being used for multi-occupancy is understandable, it is not a material concern that would impact the approval of the application. The planning application process primarily focuses on whether the proposed extension meets the relevant planning policies and guidelines. In any case, a use of the property for multi occupancy may require planning permission in its own right and would be subsequently assessed on its merits.

The proposed extension has been designed to comply with all necessary regulations, ensuring minimal impact on the surrounding area. Additionally, any potential parking issues can be managed through appropriate measures, which can be addressed separately from the planning application.

Therefore, while parking concerns are valid, they do not constitute a material reason to deny the application, as the extension itself adheres to all required planning standards and contributes positively to the property's functionality and the community's overall value.

Objection 2

- **Previous Issues:**

- Damage to boundary wall and brickwork from unsuitable delivery vehicles and building waste.
- Concerns about similar issues with new extension plans.
- Previous extension included a large garage; new plan nullifies it, causing potential parking issues.
- Worry about future alterations bypassing planning applications.

- **Council Document Review:**

Seeking assurance that new plans meet Kirklees Council guidelines:

- **LP24 Design:**

- **b:** High standard of amenity, appropriate distances, and buffer zones.
- **c:** Extensions should be subservient, in keeping with existing buildings, and minimise impact on neighbours.

- **Party Wall Act 1996:**

- Questions about whether the Act applies due to proximity to the boundary.
- Concerns about ongoing renovation work at unsociable hours.
- **Building Control:**
 - Uncertainty if Kirklees Building Control or a private company will oversee it.
 - Seeking reassurances about reliable procedures and documentation accessibility.
 - Wanting to know if reports will be available on the Kirklees Council website.
- **Construction Concerns:**
 - Worried about noise, air pollution, and parked vehicles.
 - Seeking advice on handling issues with working hours, Environmental Health, and unforeseen problems.

Officer's Response:

The concerns raised, while valid, do not constitute grounds for refusing the application. Here is a detailed response addressing each point:

Previous Issues:

- **Damage to boundary wall and brickwork:** Officers acknowledge the concerns regarding potential damage from delivery vehicles. Applicants are asked to ensure that only suitable vehicles are used, and to ensure protective measures are put in place to prevent any damage to neighbouring properties. These precautions will mitigate the risk of damage.
- **Building waste:** applicants are asked to ensure waste management protocols are put in place to ensure no building waste lands on neighbouring properties.

The above issues are private civil matters.

Council Document Review:

- **LP24 Design:**
 - **b:** The new plans have been designed to maintain high standards of amenity, ensuring appropriate distances and buffer zones are respected as set out in the report.
 - **c:** The extension will be subservient to the original building, using materials and designs that match the existing structures, minimising any impact on neighbouring properties.

Party Wall Act 1996:

- The applicability of the Party Wall Act 1996 will be determined based on the proximity of the proposed work to the boundary. If applicable, all necessary steps will be taken to comply with the Act, ensuring the

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 external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	Proposed Plans		28-Aug-2024
Proposed Elevations	Proposed Elevations		28-Aug-2024
Existing Elevations	01 - Existing Elevations		28-Aug-2024
Grouped Plans and Elevations	02 -Existing Floor Plans		28-Aug-2024
General	Climate Change Statement		28-Aug-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.

Report Dated: 22/10/2024

