

**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: | 2024/62/92652/W |
| Site Address: | 177, Moor End Road, Lockwood, Huddersfield, HD4 5HJ |
| Description: | Demolition of existing garage and erection of two storey side extension, single storey rear extension, rear dormer extension, alterations to existing rear extension, associated external alterations and widening of existing means of access and associated vehicular dropped crossing |
| 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 08-Jan-2025

Officer Report – 2024/92652

Site Description

177, Moor End Road, Lockwood, Huddersfield, HD4 5HU, is a semi-detached property constructed from stone and render walls, a slate roof, and white uPVC windows and doors. The property is similar in architectural style, character, size, and age to its neighbouring dwelling, and resides in a varied street scene. The property benefits from a small amenity space to the front, with a driveway and garage to the North West, as well as a garden area to the rear.

Description of Proposal

The applicant is seeking permission for the demolition of an existing garage, erection of two storey side extension, single storey rear extension, rear dormer extension, alterations to existing rear extension, associated external alterations, and widening of existing means of access and associated vehicular dropped crossing.

The proposed two-storey side extension would project 3.69m from the side elevation of the existing building with a maximum height of 9.02m, eaves height of 7m, and a depth of 8.31m.

The proposed single storey rear extension would project 3.13m from the rear elevation of the existing building with a maximum height of 4.2m, eaves height of 2.9m, and width of 9.72m.

The proposed rear dormer extension would have a width of 4.99m, height of 1.79m, and a depth of 3.89m.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:
Design and Access Statement

Relevant Planning History

The most relevant planning history relates to the following planning applications:

2006/93387 – Erection of 2 storey and single storey extensions – Conditional Full Permission.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by neighbour notification letters. The expiry date of the publicity period was the 21/11/2024.

Allocation and Policy

The site has no allocation within the Kirklees Local Plan (adopted 2019). The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP51 Protection and Improvement of Local Air Quality

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 2024, 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.

Chapter2 Achieving sustainable development
Chapter12 Achieving well-designed & beautiful places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
 1. Impact upon the character and appearance of the area (including impact upon historic environment)
 2. Impact upon residential amenity
 3. Impact upon highway safety

4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land Allocation

The site has no allocation in the Kirklees Local Plan.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Rear extensions should consider the design of the original building in terms of architectural design, material and features. Single-storey rear extensions should be designed in order to mitigate any impact to neighbouring occupants.

- Key Design Principle 2 of the House Extensions & Alterations Supplementary Planning Document states ‘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.'

Paragraph 5.6 of the House Extension & Alterations Supplementary Planning Document relates to the design of single-storey rear extensions:

- Be in keeping with the scale and style of the original house;
- Not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- Not exceed 4 metres in height;
- 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;
- Where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

Side extensions should maintain the quality of the environment for neighbours by:

- Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and
- Positioning windows to minimise or avoid any potential overlook into neighbouring gardens.

Paragraph 5.3 of the House Extensions & Alterations SPD relates to the design of two-storey side extensions:

Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

Two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

Paragraph 5.4 of the House Extensions & Alterations SPD relates to the design of dormer windows and roof extensions:

Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.

The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.

To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street.

Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable. Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.

Dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The proposed extensions are in keeping with the original building in the viewpoint of style with all proposed materials, including slate roof, stone/render walls, and white uPVC windows and doors, matching the existing building. Moreover, over half of the total area of land around the house would be retained.

However, the proposed two storey side extension lies flush with the front elevation of the original property rather than being set back 500mm, as required to comply with the House Extensions and Alterations SPD. This considered, the property does lie within a varied street scene. Furthermore, the side extension lies within 1m of the site boundary, leaving a gap of only 0.91m rather than the 1m required to comply with the House Extensions and Alterations SPD.

The proposed rear extension also does not entirely comply with the supplementary planning guidance regarding house extensions, extending 3.13m from the rear elevation of the original building where only 3m is allowed. Moreover, where rear extensions project further than 3m, their eaves height must not surpass 2.5m, and the proposed extension on this site would have an eaves height of 2.9m. The maximum height of the extension would

also surpass what is complaint with the House Extensions and Alterations SPD at 4.2m, rather than the suggested 4m. Finally, as the rear extensions is set to project outwards of the side elevation of the original building, the gap to the side boundary is also only 0.91m from this proposed extension, rather than the 1m required to comply with the House Extensions and Alterations SPD.

The proposed dormer lies flush with the ridgeline of the existing roof, where the House Extensions and Alterations SPD states that dormer extensions should be set below the ridgeline of the existing roof and within the roof plane. Considering all of these elements are minimal and it is considered that none will cause significant impacts on visual amenity, the proposal is deemed acceptable in this case, from a standpoint of visual amenity.

As a result of this, it is considered that the scale and positioning of the proposed extensions are acceptable as they comply with the aforementioned policies and legislation included in the House Extensions and Alterations SPD.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should: “...*maintain appropriate distances between buildings*’ and ‘...*minimise impact on residential amenity of future and neighbouring occupiers.*”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, ‘extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours’.
- Key Design Principle 4, ‘extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.’
- Key Design Principle 5: Overshadowing/loss of light states, ‘Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.’
- Key Design Principle 6: ‘Extensions and alterations should not unduly reduce the outlook from a neighbouring property.’

Impact on 2 Thornfield Road

2 Thornfield Road is the detached neighbouring property to the North West. The proposed two storey side extension at 177 Moor End Road has the potential to cause overshadowing onto the rear windows of 2 Thornfield Road given that the extension is only 0.91m from the boundary between the two sites, rather than the 1m necessary to comply with the House Extensions and Alterations SPD. Moreover, 2 Thornfield Road is at a lower ground level than the application property, potentially increasing the potential for the proposed side extension to result in an overbearing and overshadowing impact. Notwithstanding this, it is noted that the window potentially being affected is not that of a habitable room. Furthermore, the garage of No.2 is located

within close proximity to the remainder of the rear elevation at present, therefore, the impact is considered not to be significantly detrimental in this instance.

Impact on 179 Moor End Road

As the adjoining property to the South East has erected a single storey rear extension, it is considered that the proposed rear extension at the application property will have no significant effect in terms of overshadowing or overbearing onto the rear elevation of the neighbouring property.

The proposed rear dormer would be orientated in line with the existing windows within the rear elevation of the application property and as such would not result in a loss of privacy to the occupants of No.179 significantly over and above the existing situation.

Impact on 128 Moor End Road

128 Moor End Road is the neighbouring property directly opposite 177 Moor End Road. As the dwelling is located 24.68m from any alterations to the application property, it is considered that the proposed extensions will not have any significant impact on this neighbour.

Impact on 5 Heath Grove

5 Heath Grove is located to the rear of 177 Moor End Road and is located approximately 28m from the application property, therefore, it is considered there will be no significant impact on this dwelling.

The property has access to a garage located opposite the house, and closer to the application dwelling, however, as this is a non-habitable space, it is considered any impacts will not be significant.

Impact on 4 Heath Grove

4 Heath Grove is also located to the rear of the application dwelling, and is also located around 28m from the rear elevation of the property, therefore, it is considered there will be no significant impact on this dwelling.

The property has access to a garage located opposite the house, and closer to the application dwelling, however, as this is a non-habitable space, it is considered any impacts will not be significant.

The proposal is therefore considered to be acceptable in this regard and fulfils Key Design Principles 3, 4, & 5 of the House Extensions and Alterations SPD, Policy LP24 b) and c) of the Kirklees Local Plan, and Paragraph 130 of the NPPF.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste

storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. Although the submitted plans do not detail the storage of bins at the property, there is adequate space on the site to do so. As the number of bedrooms at the property would increase from three to four as a result of the proposed extensions, the requirement for off-street parking spaces at the property would increase from two to three, however, with current parking arrangements at the property considered, the dwelling would still be able to accommodate these parking arrangements.

As such the scheme does not represent additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extensions & Alterations Supplementary Planning Document. Despite this, the proposal would comply with Principle 16 of the adopted House Extensions & Alterations SPD.

5. Climate Change

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. Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Ecology

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, as assessed within an Informal consultation from the Ecology Officer and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward.

7. Representations

No representations have been received as a result of site publicity.

8. 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, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2024/92652

Officer Recommendation: Conditional Full Permission

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 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 | Date Received |
|---|-----------------------------|----------------------|
| Application Forms | - | 16/10/2024 |
| Location Plan | - | 16/10/2024 |
| Existing and Proposed Front and Rear | HD45HJ177-v2 Page 3 of 4 | 16/10/2024 |
| Existing and Proposed Loft and First Floor Plans | HD45HJ177-v2 Page 2 of 4 | 16/10/2024 |
| Existing and Proposed Ground Floor | HD45HJ177-v2 Page 1 of 4 | 16/10/2024 |
| Existing and Proposed Side Elevation and Proposed Roof & Block Plan | HD45HJ177-v2 Page 4 of 4 | 16/10/2024 |
| Climate Change Statement | - | 16/10/2024 |
| Design and Access Statement | - | 16/10/2024 |

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 not considered necessary to seek any amendments/further information during the course of this application.

Report Dated:

07/01/2025