

**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:	2024/62/92717/W
Site Address:	3, Weatherhill Crescent, Birchencliffe, Huddersfield, HD3 3QZ
Description:	Erection of two storey side and single storey rear extension, single storey porch to front, dormer to front and rear, construction of retaining wall to create tiered garden and associated alterations
Recommending Officer:	Joanna Rednall

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: 18-Nov-2024

The Site

3, Weatherhill Crescent is a semi-detached bungalow located in Birchencliffe, Huddersfield. The property is constructed from stone to the front elevation with pebble dash render to the side and rear. The roof is gable in design and infilled with tiles. The property benefits a small lawned garden to the front with a large lawned garden to the rear. To the side of the dwelling is a driveway. The property also features a small dormer within the rear roof slope.

The site is set within a wider residential area where properties vary slightly in design. The property is one of three pairs of semi-detached bungalows with the majority of dwellings being semi-detached two storey properties with hipped roofs. However, the predominant construction materials appear to be stone to the ground floor front elevations with pebble dash render/brick to the first floor and side elevations.

The site is unallocated on the Kirklees Local Plan.

The Proposal

The applicant is seeking planning permission for erection of two storey side and single storey rear extension, single storey porch to front, dormer to front and rear, construction of retaining wall to create tiered garden and associated alterations.

Two storey side extension

The two-storey side extension projects approximately 3.2 metres from the side/east facing elevation with a total length of approximately 10.6 metres. The eave height is approximately 2.5 metres with a total height of approximately 6.3 metres. The ridge is lowered 0.2 metres from the host property and is set off the side boundary by approximately 0.7 metres.

The side elevation of the extension is predominantly finished in render with a brickwork underbuilt. The front elevation is faced in ashlar stone with flat roof stone coping above the single storey ~1 metre projection to the front. The roof would be infilled with tiles to match the host property.

Internally, the two storey extension serves a garage and utility to the ground floor and two bedrooms to the first floor.

Single storey rear extension

The two-storey side extension would adjoin the single storey rear extension. The rear extension projects approximately 3.2 metres from the rear elevation of the host with a width of 3.7 metres. The total height of the extension is 3.5 metres.

The side/ east facing elevation of the rear extension is finished in white render to match the two-storey side extension. The rear and west-facing side elevations are finished in ashlar stone. The roof is flat with a skylight proposed to the middle.

Internally, the rear extension serves a kitchen.

Porch

The approximate measurements of the porch are as follows:

- 1 metre projection
- 2.6 metre width
- 2.3 metre eave height
- 3.7 metre ridge height

The porch is constructed from ashlar stone with a gable roof above, infilled with tiles.

Dormer to front and rear

The approximate measurements of the front dormer are as follows:

- 2.7 metre width
- 2.6 metre total height
- 3.4 metre projection

The front dormer is constructed from dark grey composite cladding with roof tiles to match the host property. The roof is gable in design.

The approximate measurements of the rear dormer are as follows:

- 6 metre width
- 2.3 metre total height
- 3 metre projection

The rear dormer has a flat roof with a rooflight.

Retaining wall to create tiered garden

A retaining wall is proposed to the rear garden. This would measure approx.. 1.9 metres in height and 10 metres in length. The wall would be constructed from concrete tumbled stone and the wall would be topped with stone coping. Steps are proposed to the side to provide access down into the garden.

Planning History

Relevant planning history for this site is summarised as follows:-

2024/91580 - Erection of two storey front and side and part single storey rear extension, single storey porch to front, dormer to rear, timber cladding, construction of retaining wall to create tiered garden and associated alterations
REFUSED

The reason for refusal was as follows:

1. The proposed two-storey side and front extension, front porch extension, single storey rear extension and rear dormer, by virtue of scale, massing and design, result in the construction of an unsympathetic, incongruous and overly prominent form of development which would not represent a subservient addition failing to harmonise with the host building, detrimental to the character and appearance of the host property and wider local area. To permit this development would be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

The scheme the subject of this application has been amended. Whether the revised scale, massing and design has overcome the reason for refusal is discussed in more detail in the 'Assessment' section of this report.

History of Negotiations

Minor amendments were made to the two-storey side extension to ensure that the proposal would adequately harmonise with the host for visual amenity.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired: 1st November 2024

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

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
 2. Impact upon residential amenity
 3. Impact upon highway safety
 4. Other matters
 5. Representations
 6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application 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

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Two storey side extension

Section 5.19 of the SPD provides guidance specially on two-storey rear extensions:

5.19 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. be proportionate to the size of the original house and garden.

5.20 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.*

The proposed side extension would take up most of the space to the side of the house and would not leave a 1 metre gap to the site boundary. However, side extension would retain the front and rear amenity space, therefore the proposal would result in a sufficient level of external space remaining within the site to the front and rear for the extension to not dominate the site. A gap measuring

approximately 0.7 metres would be retained to the side to allow external access to the rear of the property.

The side extension would not be set back from the front wall of the house as the extension would project approximately 1 metre ahead of the front elevation. The applicant's agent has justified the absence of setback by referencing the position of the existing garage, which is already sited ahead of the front elevation. Following a site visit, officer's note this forward projection appears to be common among the surrounding properties on Weatherhill Crescent that benefit from an integral garage. As such, given the extension is set down from the host property and constructed from matching materials, it is considered to have an acceptable visual impact in this case. The revised design, scale and massing of this element of the scheme is considered to have overcome the previous reason for refusal (set out in the 'Planning History' section of this report).

Single storey rear extension

Section 5.5 of the SPD relates to single storey rear extensions:

5.5 Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.

5.6 Single storey extensions should:

- *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.*

The rear extension would have an acceptable visual impact on the host property. The proposed materials and finishes would consist of white render and stone to complement the material palette of the host property and

surrounding development. The roof would be flat in design to aid any obtrusiveness/ bulking to the rear of the property and would not exceed 4 metres in height. The extension would exceed the SPD's recommendations regarding 3 metre projection and have a total projection of 3.2 metres. The application property sits within a deep plot, and in this case it is considered there would be no design benefit in reducing the projection by 0.2 metres. This is because the rear extension is modest in size and would not seem overbearing or incongruous in the context of the application site.

Front porch

The Council's adopted SPD advises front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Part 5.14 of the SPD advises *Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:*

- *The house is set well back from the pavement or is well screened; and*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.*

The property is set back approximately 6.5 metres from the pavement with soft landscaping proposed to the front. The minimal 1 metre projection of the porch is not considered to pose detriment to neighbouring properties, and the overall height of the porch would appear modest and subservient to the host property. The extension is constructed from ashlar stone to match the host, with a small section of glazing proposed to the front and side elevation. Due to these reasons the porch would appear subservient to the host and would respect the character of the application property and have an acceptable visual impact.

Front and rear dormers

Section 5.26 of the Council's adopted SPD advises *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.

Section 5.27 recommends 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.

In terms of the front dormer, this application seeks to overcome the previous concerns by reducing the scale and incorporating materials to blend with the colour of the original roof. The front dormer proposed under this application would be set within the roof plane of the proposed side extension. The development would appear prominent within the bungalows and introduces a dormer roof feature to the street scene. It is noted that the proposed front dormer would be constructed from dark grey composite cladding with a tiled roof to match the existing. This is considered to sufficiently mitigate the visual impact of the proposal on the street scene as the materials would relate satisfactorily to the host building.

With regard to the SPD, the creation of a pitched roof to the front dormer would appear in keeping with the existing roof and would not dominate the front elevation. Therefore, the front dormer extension would sit much more comfortably within the roof slope than the previous submission. The degree of glazing has been significantly reduced since the previous submission, with a smaller window proposed to the front of the dormer.

Turning to the rear dormer, the supporting statement submitted by the applicant outlines this proposal seeks to overcome the previous concerns by changing the materials, reducing the scale and aligning the windows with existing dormer windows on neighbouring properties. The rear dormer would be constructed using dark grey composite cladding to match the front dormer and existing roof. It would be set within the roof plane of the host property and side extension; however a sufficient level of the original roof would be retained to aid any undue bulking and massing to the rear of the property. The windows also align with dormer windows on the adjoining property. Given these reasons, the rear

dormer is considered to have sufficiently overcome the previous concerns and has an acceptable visual impact.

Retaining wall to create tiered garden

Due to the topography of the site, land levels decline to the rear of the garden. A retaining wall, approx. 4.3 from the rear elevation of the original house is proposed. The wall is approx. 1.9 metres in height with a length of 10 metres. The wall would be constructed from concrete tumbled stone and topped with stone coping. The retaining wall would be constructed from similar materials to existing boundary treatments within the local area, and the proposed plans note similar tiered gardens in neighbouring properties No.1 and No.5 Weatherhill Crescent. The proposed retaining wall to create a tiered garden is therefore considered acceptable in terms of visual amenity.

Hardstanding to the front

Officer's previously raised concerns with regard to the degree of hard landscaping proposed to the front. The applicant has addressed this by introducing areas of planting to the front and side boundary of the driveway. This is considered to have an acceptable impact upon visual amenity and addresses previous concerns raised.

Assessing this proposal it is considered that, on balance, the works have overcome the previous reason for refusal for application 2024/91580 and overcomes the concerns with regard to the scale, massing and design. It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

It is recommended that the materials of construction are subject to condition to ensure they are as set out in the submitted plans.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring

occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”*.
- Principle 4 – that: *“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.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”*.
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being No.1, No.5 and No.4 Weatherhill Crescent.

Impact on No.1 Weatherhill Crescent

This property is located east and on a lower ground level to the application site. This neighbour is also set further back than the application property.

Given the limited scale of the front porch extension, there would be no overlooking, overshadowing or overbearing impact on the amenities of the occupiers of the adjacent dwelling.

The submitted plans show two windows to be inserted into the east-facing side elevation of the proposed side extension. Given these windows serve a garage and utility room, non-habitable rooms, they are not considered to be detrimental to the privacy of No.1 Weatherhill Crescent. A site visit also confirmed blank elevation to this wall of No.1, further working to mitigate any overlooking impacts.

The works would result in alterations at first floor level but the positioning of openings is not considered to reduce the amenity of the adjoining neighbour.

In regards to overbearing, it has been assessed that the proposal would intensify development to the side of the application site. The side and rear extension would be set in ~0.7 metres from the shared boundary to alleviate some of the harm. In addition, it has been assessed that the extensions would not project beyond the rear of No.1. As such any impact on overbearing/overshadowing is not considered to be detrimental.

Impact on No.5, Weatherhill Crescent

This property adjoins the application property to the west. It is considered that, due to the siting, the proposed two storey side and front extensions and single storey front porch would not cause undue harm to the amenities of this neighbour.

The proposed single storey rear extension would have openings facing this neighbour within the side elevation, sited approx. 8 metres from the conservatory at No.5. This distance is considered sufficient to meet the 45 degree rule from No.5's habitable windows, therefore would not cause undue harm to overshadowing/loss of light.

The works would result in alterations at first floor level but the positioning of openings is not considered to reduce the amenity of the adjoining neighbour.

Impact on No.4, Weatherhill Crescent

This property is located opposite the application site.

Given the setting and relationship between these two neighbouring properties within the streetscene and in turn, the extent of separation distance between (approx. 21m) the proposed site of development at 20 Mountjoy Road and the neighbouring property of 22 Mountjoy Road it is concluded that no detrimental overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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.

The proposed development would increase the number of bedrooms on site from 3 to 4. section 4.6 of the Council's adopted SPD recommends for dwellings of 4+ bedrooms to provide 3 off-street parking spaces. The proposed plans indicate off-street parking spaces for two vehicles, with an additional space provided within the garage. With this being the case, proposed parking arrangements are considered to be acceptable.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

The proposed plans have allocated space to the front of the property to accommodate bin storage and, in this respect, would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

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 pre-dates 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 modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change

that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

7 – 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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/92717

Officer Recommendation: Approve

Conditions

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 (as amended).

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

3. The development hereby approved shall be constructed from the materials of construction and colour finishes detailed within submitted drawings LZ-24-01-2100-RevA (titled 'East & West Elevation') and LZ-24-01-2101-RevA (titled 'North & South Elevation'). The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed upon these drawings. The materials of construction and colour finishes shall be thereafter retained for the lifetime of the development.
- 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
Location Plan	LZ.24-01.P-0101	-	23/09/2024
Floor Plans Existing	LZ-24-01-1-0200-Floor Plans	-	23/09/2024
Elevations Existing	LZ-24-01-0210-Elevations	-	23/09/2024
Retaining Wall Elevation	LZ-24-01-2102-Retaining Wall Elevation	-	23/09/2024
East & West Elevation Proposed	LZ-24-01-2100-East & West Elevation	A	16/10/2024
North & South Elevation Proposed	LZ-24-01-2101-North & South Elevation	A	16/10/2024
Floor Plan Proposed	LZ-24-01-1-2000-Floor Plans	A	16/10/2024
Application form	-	-	23/09/2024
Supporting Statement	-	-	24/09/2024
Climate Change Statement	-	-	23/09/2024

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. Minor amendments were made to the two-storey side extension to ensure that the proposal would adequately harmonise with the host for visual amenity.

Report Dated:

13/11/2024

Low coal