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:	**2024/62/92726/W**
Site Address:	109, Laund Road, Salendine Nook, Huddersfield, HD3 3TZ
Description:	Erection of single storey rear extension
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: 26-Nov-2024

Officer Report – 2024/92726

Site Description

109, Laund Road, Salendine Nook, Huddersfield, HD3 3TZ, is a semi-detached property constructed from stone and render walls, a tiled roof, and uPVC double glazed windows. The property is similar in architectural style and character to the neighbouring properties and the surrounding street scene. The dwelling benefits from a garden area and driveway to the front of the house, as well as a large amenity space and a garage to the rear.

Description of Proposal
The applicant is seeking permission for the erection of a single storey rear extension.
The extension is proposed to project 3m from the rear wall of the original building, with an eaves height of 2.58m and maximum height of 3.8m. The proposed width of the extension is 5.74m.
All materials utilised are proposed to match the existing building.

Relevant Planning History
The most relevant planning history relates to the following planning application:
2002/92225 – ERECTION OF 2-STOREY EXTENSION – FC 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.
The expiry date of the publicity period was the 31/10/2024. No representations have been received as a result of site publicity.

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
LP46 Waste disposal
LP57 The extension, alteration or replacement of existing buildings

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 2023.
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
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.
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.
The proposed extension is in keeping with the original building in respect of its design, while also retaining more than half of the total area around the house. The proposed extension projects 3m from the rear elevation of the original house, therefore, complying with the House Extension & Alterations Supplementary Planning Document.
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.

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."*
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.'

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.

Impact on 111 Laund Road
111 Laund Road is the adjoining semi-detached property. The proposed extension at 109 Laund Road would partially intersect the 45-degree angle from the centre of the rear windows of No.111. With the room in question being a main habitable room in the property, it is of greater importance and thus the effects must be considered with greater weight, as outlined below in Paragraph 4.13 of the House Extensions & Alterations SPD:
Paragraph 4.13 of the House Extension & Alterations Supplementary Planning Document states, 'Both light and outlook can be of greater

importance for some rooms than others…, greater weight and protection will be afforded to rooms that most people spend much of the day in, known as habitable rooms'. To which a living room is considered a habitable room.
The Council's adopted House Extensions and Alterations SPD sets out that a 45 degree line when taken from the Centre of the Cill should not be cut. In this case, the 45 degree line from the rear windows of 111 Laund Road would only be intercepted by a marginal amount of the rear extension, thus, the impact on the neighbouring property would not be significantly detrimental to warrant refusal.

Impact on 107 Laund Road
Due to the distance between the two properties, it is considered that there would be no significant impact on 107 Laund Road as a consequence of the proposed extension.
It is therefore considered that in terms of visual 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 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.
The number of bedrooms will not increase as a result of the extension, and parking provision will remain as existing.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations Supplementary Planning Document. Furthermore, the proposal would comply with Principle 19 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

Impact upon 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation **CONDITIONAL FULL PERMISSION**

Decision Authorisation: Delegated Powers

Application Number: 2024/92726
Officer Recommendation: Conditional Full Permission

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).

1. 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Climate Change Statement	-	-	23/09/2024
Location Plan	-	-	23/09/2024
Existing Plans	2350 A(00)-01	-	23/09/2024
Proposed Plans	2350 A(10)-01	-	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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 25/11/2024