

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/92823/W</b>
Site Address:	16A, Kings Mill Lane, Huddersfield, HD1 3AW
Description:	Erection of part two storey and part single storey side and rear extensions, alteration to windows within the rear and side elevations and internal 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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 10-Dec-2024**

## **The Site**

16a Kings Mill Lane is a detached, two storey property located in Huddersfield. The property is set well back from the highway and benefits from a driveway to the front and a lawned garden to the rear. Pedestrian and vehicular access can be taken from the front boundary onto King's Mill Lane.

The site is situated within a predominantly residential area, whereby there are a mixture of property types and styles. The site is also unallocated on the Kirklees Local Plan but is designated within the Strategic Green Infrastructure Network.

The application property is not listed however the neighbouring building to the south-west, Kings Villa, 16 Kings Mill Lane, is Grade II listed.

## **The Proposal**

The applicant is seeking planning permission for erection of part two storey and part single storey side and rear extensions, alteration to windows within the rear and side elevations and internal alterations.

The side extension projects 2.1 metres from the north-east facing side elevation at ground floor level and 3.9 metres at first floor level. The side extensions are set 0.9 metres back from the front elevation, the ground floor is 6.2 metres in length and the first floor above is 4.4 metres in length. The roof is pitched with a total height of 6 metres.

The exterior walls are constructed from Siberian fired Larch timber boarding and the roof is infilled with concrete tiles.

The rear extension infills the rear corner of the application property. The total projection would be 1 metre with a width of 3.5 metres and the exterior construction materials would also be timber boarding to match the side extensions.

The alterations to windows within the rear and side elevations would consist of the rear Juliet balcony being removed and replaced with a window, and a new opening would be formed to the ground floor. To the side elevation, the sill would be raised of an existing opening to form 2 new obscure windows.

## **History of Negotiations**

Upon review of the application, officers sought comment of the proposed materials, the applicant has submitted a justification statement that will be discussed later in this report.

The elevations were not measuring to the scale provided, the applicant has provided annotated elevations that have been used in the determination of this application.

## **Planning History**

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

- 2002/92031 Listed building consent for repositioning of gate posts and installation of French doors and balcony to rear of property (consent granted)
- 90/04865 - OUTLINE APPLICATION FOR ERECTION OF OFFICE DEVELOPMENT AND CHANGE OF USE FROM RESIDENTIAL TO OFFICES
- Change of use from office use to dwelling (Listed Building)  
*Conditional full permission*

## **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: 19<sup>th</sup> November 2024

1 letter (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

## **Letters of Support**

- The development is appropriate to bring the building back into residential use.

## **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
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment
- LP51 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 20<sup>th</sup> 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
- Chapter 16 – 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.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

### 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.

As the site is/was previously within the curtilage of a Grade II Listed building, the impact of the development will need also to be assessed against national policy in Chapter 16 of the NPPF and the general duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application property is not listed itself, however the adjacent property Kings Villa, 16 Kings Mill Lane is a Grade II listed building. The application site is therefore within the curtilage of this listed building. Given the small scale of the proposed development at 16a, Kings Mill Lane, and the distance from the listed building, it is considered that no significant harm would be caused to the setting of Kings Villa.

### Part two storey and part single storey side extensions

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case by case basis.”

The side extensions are modest in projection and retain a 1.3 metre gap to the side boundary. The extensions are set 0.9 metres back from the front wall of the house and the ridge of the first-floor extension is set down from the host property and would appear a proportionate addition.

With regard to materials, the exterior walls would be constructed from Siberian fired larch timber boarding and the roof would be infilled with concrete tiles to match the host. It is noted that the proposed materials of timber boarding is not a feature present on the application property or in the wider area. However, in this instance, given this is a modest alteration with natural stone remaining as the predominant material, and given the limited area to be timber boarding, and away from the public vantage points, the use of timber boarding can be considered to be justifiable in this instance. The applicant has submitted a supplementary statement detailing the proposed use of timber cladding will remove the unsympathetic white cladding that detracts from the building, and helps to enhance the detailing of the original building. Having taken the above into account, the proposed differing of materials to the original property is considered to have an acceptable impact upon visual amenity.

#### Single storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The rear extension is small in scale with a modest width and projection. The roof is lean-to in design, the ridge extends up to the eaves on the original house. The rear extension does not project beyond the existing rear or side elevations of the host and retains a 3+ metre separation distance to the side boundary. Given the modest scale, the majority of the garden area would be retained and external access to the rear garden would be maintained. The rear extension and cumulative impact of the side extensions would therefore not result in overdevelopment of the site and would leave the original property dominant in all aspects.

With regard to fenestration, one sliding window is proposed to the rear elevation and one window is proposed to the side elevation of the rear extension. These additions would appear in keeping with the varied window proportions proposed to the host property, and given their siting would not unreasonably impact any neighbouring properties.

### External alterations

The external alterations consist of replacing the rear Juliet balcony with a window and a new opening to the ground floor. To the side elevation, the sill would be raised of an existing opening to form 2 new obscure windows. The submitted elevations show the window proportions vary to the existing, however given the siting of these alterations to the side and rear of the dwelling, the impact on the local character and street scene is limited. These alterations are relatively modest and would appear in keeping with the host property.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 and LP35 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:**

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:

*16, Kings Mill Lane*

This building comprises of flats to the north of the site. It has been noted that occupiers of the rear ground floor flats would be most impacted by the works proposed.

However, with regard to the rear extension, this would be situated within the rear corner of 16A and would not bring development closer to the shared boundary. The opening within the rear elevation would overlook the rear garden of the application property and would not significantly overlook these neighbours garden, given the existing relationship and boundary treatment in place.

Turning to the impact from the side extensions, officers have noted that there would be some additional bulk and massing brought closer to no.16. However, the taller element which at its very highest point is restricted to 6 metres in height which would be set away from the shared boundary by 1.3 metres. From undertaking a site visit, officers noted two ground-floor windows adjacent to the shared boundary at No.16. When reviewing the planning history and floor plans of this flat within Longley Court which are accessible online, it appears that one window serves a bedroom and the other is a secondary window serving a living room. Therefore, given the development would retain a separation distance from the shared boundary, the side extension is not considered to cause detrimental loss to outlook / overbearing / overshadowing given the existing relationship.

In terms of overlooking, the plans show one high level window to be inserted into the side elevations that would serve a WC. KDP 3 of the Council’s SPD recommends a 12 metre separation distance between windows of non-habitable rooms that face towards habitable rooms, and from the information submitted it appears approximately 4 metres would be retained. However, given the window is high level, officers do not consider there to be any undue overlooking and loss of privacy as a result of this window.

Overall, it has been considered that there would be no significant impact upon these neighbours' amenity, due to the layout of the development proposed, and the boundary treatment in place. As such, any overbearing, overshadowing and overlooking can be supported.

*Kings Villa, 16 Kings Mill Lane*

This building is located west of the application property.

There would be limited impact upon these neighbour's amenity, as the majority of the works proposed are to the north-east and rear of the site. The only external alteration to this side elevation is raising the sill of the window to form 2 new openings, this is not considered to cause any undue overlooking impacts given the existing relationship.

As such, there would be no material overbearing, overshadowing and overlooking upon these neighbour's amenity, as a result of the works proposed.

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 intensify the domestic use of the dwelling, taking the total number of bedrooms on site from 3 to 4. KDP 15 of the Council's adopted SPD recommends for a property with 4+ bedrooms to provide 3 off-street parking spaces. It has been assessed the property benefits from a large driveway to the front and side of the dwelling that could accommodate off-street parking for 3 vehicles that would be retained as a result of the development. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore 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:**

### *Ecology*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

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 alert area, the proposals are relatively modest, 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.

### *Strategic Green Infrastructure Network*

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development. In this case, the development would not impact on the function or connectivity of green infrastructure networks. The proposal would not affect the substantial green areas around the site and is therefore considered to appropriately comply with Policy LP31 of the Local Plan.

## *Climate Change*

On 12<sup>th</sup> 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:**

- The development is appropriate to bring the building back into residential use.

*Officer response: This is noted.*

### **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:**

**Officer Recommendation:**

### 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, LP30, LP31 & LP35 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

2. The external 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.

**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.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and Block Plan	No 12		02/10/2024
Existing Ground Floor Plan	No 1		02/10/2024
Existing Floor Plans and Section	No 2		02/10/2024
Existing Elevations	No 3		02/10/2024
Existing Elevations	No 4		02/10/2024
Existing Roof Plan	No 5		02/10/2024
Proposed Ground Floor Plan	No 6		10/12/2024
Proposed First Floor Plan	No 7		10/12/2024
Proposed Front Elevation and Proposed Section	No 8		10/12/2024
Proposed Rear and Side Elevations	No 9		10/12/2024
Proposed Side elevation	No 10		10/12/2024
Proposed Roof Plan	No 11		10/12/2024
Justification Materials			02/12/2024
Application form			02/10/2024
Climate Change Statement			14/10/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Upon review of the application, officers sought comment of the proposed materials, the applicant has submitted a justification statement as discussed in this report. The elevations were not measuring to the scale provided, the applicant has provided annotated elevations that have been used in the determination of this application.

**Report Dated:**

10/12/2024

Low coal