

**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:	2024/62/92840/W
Site Address:	16, Norwood Park, Birkby, Huddersfield, HD2 2DU
Description:	Demolition of existing conservatory and erection of replacement single storey rear extension with pergola and first floor extension to front elevation
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: 28-Nov-2024

The Site

16, Norwood Park relates to a two-storey detached dwelling located in Birkby, Huddersfield. The property is constructed of coursed natural stone with a pitched roof above infilled with dark grey concrete interlocking tiles and benefits from a white UPVC conservatory to the rear. The property features a ground floor forward projection with a pitched gable roof above that internally serves a garage.

To the front of the dwelling is a driveway with a lawned garden either side, as well as private amenity space to the rear.

The property is located within a wider residential area where surrounding development shares similar design and architectural features. The properties vary slightly in design; the majority of properties are 'L' shaped with single storey/ two storey projections towards Norwood Park road.

The Proposal

The applicant is seeking planning permission for demolition of existing conservatory and erection of replacement single storey rear extension with pergola and first floor extension to front elevation.

The approximate measurements of the extensions are as follows:

Single storey rear extension with pergola

Single storey rear extension:

- 8.8 metre projection
- 4.5 metre width
- 2.5 metre eave height
- 3.5 metre ridge height

Pergola:

- 4.1 metre total projection
- 11.2 metre width
- 3.2 metre total height

The rear extension is constructed from buff coloured, random course natural tumbled stone with a pitched gable roof above, infilled with dark grey concrete interlocking roof tiles. Fenestration is proposed to the rear and side elevation of

the extension. This is in the form of one small window to the rear and a pair of patio doors to the side.

The existing conservatory, measuring approximately 3.1 metres by 3 metres would be demolished to facilitate the rear extension.

Internally, this extension serves an entertainment and shower room.

First floor extension

- 9.2 metre projection
- 6 metre width
- 5.5 metre eave height
- 7.5 metre ridge height

The first-floor extension follows the ground floor footprint of the host property. This extension is constructed from buff coloured, random course natural tumbled stone with a pitched gable roof above, infilled with dark grey concrete interlocking roof tiles.

Internally, the first floor extension serves an office and dressing room.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

Upon review of the application, officer's raised concerns regarding the massing of the first-floor front extension. The applicant's agent provided a justification for the scheme as proposed which will be discussed in greater length within the 'Assessment' section of this report.

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: 13th 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
- 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.

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.

Single storey rear extension with pergola

Section 5.5 of the Council's SPD sets out "*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.*"

Section 5.6 provides the following guidance for single storey rear extensions:

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 single storey rear extension would be facilitated by the demolition of the existing white UPVC conservatory. The 8.8 metre projection would exceed the recommended guidance for detached properties; however, the SPD states

larger extensions may be acceptable in certain circumstances. In this case, the application property occupies a substantial corner plot with generous amenity spaces to the front and rear of the dwelling, therefore the rear extensions would not result in overdevelopment of the site. The original house is 'L' shaped with a ~9.2 metre single storey projection to the front, therefore a rear extension of this size and scale would not appear disproportionate nor unbalance the property. Due to the scale of the site and existing property, an extension of this size is not considered to over dominate the property in this case. Given these reasons the scale is considered to be acceptable relative to the size of the host property and its associated curtilage.

The materials proposed match those used on the main house, therefore are in keeping with the style of the property and surrounding development. The roof form would also match the host property and infilled with matching grey concrete tiles. The demolition of conservatory and erection of rear extension is therefore considered to be acceptable in terms of visual amenity.

The insubstantial nature of the pergola would not add significant massing to the property and the use of PPC aluminium framing is considered to be acceptable for a development of this type. The pergola is therefore considered to be acceptable in terms of visual amenity.

First floor front extension

Paragraphs 5.13 and 5.14 of the Council's SPD relates specifically to front extensions:

"5.13 Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.

5.14 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 front extension would follow the ground floor footprint with a depth of 9.2 metres, width of 6 metres and total height of 7.5 metres. It would be set well back from the pavement (6+ metres), although given the property's elevated position to the street, it would not appear well screened. However, the proposed construction materials would match the host property, and the extension would retain space to the front of the extension and would not encroach beyond the existing building line. The roof above the extension is of identical design and materials to the host, and is set down from the ridge of the original house and would appear subservient to the host.

The application property occupies a prominent corner plot position that is slightly elevated above the highway and can be viewed from public vantage points along Norwood Park. However, given the extension is constructed using matching materials and does not encroach beyond the existing building line, the visual impact is not considered to cause undue harm to the visual amenity of the local character or host property.

Officer's initially raised concerns regarding the massing of the first floor extension, and the applicant's agent noted similar and larger first floor front extensions within the street, including 21, Norwood Park (2005/92465) and note the wealth of precedent for this large scale of front extensions within the 'Norwood Park' development. Upon review of extensions within the locality, similar first-floor front extensions appear to have been granted planning permission prior to current policy and guidance within the adopted Extensions SPD. Although assessed on its own merits, in this case, given the strong precedent for similar large front extensions surrounding the site, officers agree with the justification submitted by the applicant's agent. It is therefore considered the front extension would appear in accordance with the character of the street,

In conclusion, the front extension is justifiable in this instance and would appear subservient to the host property and would be in keeping with the appearance, scale and design of the street scene where similar, large extensions are present.

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:

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:

14, Norwood Park

This neighbour adjoins the application site to the north. Both the rear and front extensions are constructed adjacent to the boundary, however they are set away by approximately 2 metres. The first-floor extension follows the ground floor footprint, therefore does not bring development closer to the boundary. The rear extension lies flush with the side elevation of the host and given the single storey nature and dense boundary treatment in place; it is not considered to cause detrimental overbearing impacts.

With regard to overshadowing, it has been assessed the extensions would not cause detrimental impacts. Sunlight calculator software has been used to confirm any potential overshadowing from the first floor front extension would be concentrated to the front amenity space of the application property. As such, the development would not cause undue overshadowing impacts.

In terms of privacy, the extensions are considered to have an acceptable impact. The submitted plans show no windows are proposed to the side/north facing elevation of the single storey rear elevation, and two are proposed to this elevation of the first floor extension. The windows proposed to the side elevation would serve a stairway and wc, therefore non-habitable rooms, with a distance of approximately 4 metres achieved to the side elevation of No.14. A site visit confirmed there are no windows within the side elevation of No.14 that could be unduly harmed as a result of the development. The proposed extensions at the application property is therefore considered to have an acceptable impact upon this neighbours amenity.

Impact on 19 & 21, Norwood Park

These neighbours are opposite the application property. The main body of the host property would screen the rear extensions from these neighbours, therefore are not considered to unduly impact the amenity of No.19 & 21.

The front extension would retain a ~15 metre separation distance to the front boundaries of these neighbours. Given the separation distance and street scene in turn, it has been assessed no detrimental overshadowing/ overbearing impacts are considered to occur.

With regard to overlooking, the House Extensions & Alterations SPD recommends a minimum distance of 12 metres achieved between windows of habitable rooms that face onto windows of a non-habitable room, and a distance of no less than 21 metres is achieved between facing windows of habitable rooms. The submitted plans show one window serving an office is proposed to the front elevation facing these neighbours, and a minimum separation distance of ~15 metres is achieved. Given the existing relationship and separation distance between these properties, no detrimental overlooking impacts are considered to occur as a result of the development.

Impact on 18, Norwood Park

This neighbour is located to the rear of the application site. The front extension would be screened by the main body of No.16, therefore is not considered to cause harm to the amenity of No.18.

The submitted block plan shows the rear extension retains a minimum separation distance of 2 metres to the shared boundary. Given the existing boundary treatment in place and single storey nature of the development, it has been assessed no undue overbearing / overshadowing / overlooking impacts would occur as a result of the development.

Impact on 31 & 29, Norwood Park

These neighbours are located to the south of the application site.

A minimum separation distance of approximately 25 metres is achieved from the proposed rear/front extensions. This is considered sufficient to mitigate any overbearing / overshadowing / overlooking impacts as a result of the development.

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 not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. 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.

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.

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: 2024/92840

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).

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

2. The external walls and roofing materials of the first floor front and rear 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:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-13448679v1	-	04/10/2024
EXISTING SITE PLAN	24D04-FBA-ZZ-XX-DR-A-0700	P01	04/10/2024
EXISTING ELEVATIONS	24D04-FBA-ZZ-XX-DR-A-0201	P01	04/10/2024
EXISTING GROUND AND FIRST FLOOR PLANS	24D04-FBA-ZZ-XX-DR-A-0200	P01	04/10/2024
PROPOSED SITE PLAN	24D04-FBA-ZZ-XX-DR-A-2000	P01	04/10/2024
PROPOSED GA PLANS	24D04-FBA-ZZ-XX-DR-A-2001	P01	04/10/2024
PROPOSED ELEVATIONS	24D04-FBA-ZZ-XX-DR-A-2002	P01	04/10/2024
Application form	-	-	04/10/2024
PLANNING STATEMENT	-	-	04/10/2024
Climate Change Statement	-	-	04/10/2024

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, officer's raised concerns regarding the massing of the first-floor front extension. The applicant's agent provided a justification for the scheme as proposed

Report Dated: 26/11/2024

Low coal