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:	**2024/62/92845/W**
Site Address:	35, The Ghyll, Fixby, Huddersfield, HD2 2FE
Description:	First floor side and two storey rear extension, alterations to parking to front and associated works
Recommending Officer:	Joshua Merriman

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 19-Nov-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92845
Location	35, The Ghyll, Fixby, Huddersfield, HD2 2FE.
Proposal	First floor side and two storey rear extension, alterations to parking to front and associated works.
Publicity end date	12/11/2024.
Number of representations received	2
Kirklees Local Plan Allocation/Designation	No allocation within the Kirklees Local Plan.
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	**YES**
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

<u>Policy</u>

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 46** – Waste disposal
- **LP 51** – Protection and improvement of air quality
- **LP 57** – The extension, alteration or replacement of existing buildings

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact

- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	**SUMMARY**
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	No	
Planning History	No	
Consultations required	No	

Assessment

The application seeks permission for a two-storey rear extension and first floor side extension.
The proposed rear extension has an eaves height of 4.89m and a maximum height of 7.26m. The extension is proposed to project 3.33m from the rear elevation of the existing building, with a width of 6.38m.

The proposed side extension will increase the eaves height of side elevation to 5.4m, thus increasing the maximum height of the East elevation to 7.53m. The projection of the proposed side extension will be 2.89m further than the original buildings first floor, aligning with the side elevation of the ground floor. The depth of the first floor side extension will be 9.09m.

The Kirklees SPD sets out that rear extensions and two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	The property would retain at least half of the rear garden space.	
Be set behind the original building, and not projecting beyond the sides	The extension does not project beyond the sides of the original building and is set adequately behind the existing structure.	
Maintain external access to the rear garden	External access to the rear garden will be maintained in the same place as present.	
Respect the original house and garden in terms of its size and scale	The proposed rear extension is subservient to the original building in terms of size and scale and respects the original house by ensuring it continues as the main body of the dwelling.	
Use appropriate materials which match or are similar in appearance to the original house	All materials utilised are to match the existing dwelling.	
Not have an adverse impact by way of	The extension does not project to such an	

overshadowing or loss of outlook of neighbouring properties	extent to have a significant impact on overshadowing or loss of outlook on neighbouring properties, moreover, the neighbour that could be affected is elevated in comparison to the application property causing negating any significant harm.	
Two storey rear extensions should:		
be proportionate to the size of the original house and garden	The extension is subservient to the original building and ensures over half of the rear garden space is retained.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	Over 50% of the total area of land around the original house is retained.	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	The extension is proposed to project 3.33m from the rear elevation of the original building, falling below the 4m requirement for a detached dwelling.	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		The eaves height of the proposed extension is 4.89m where the building would be within 1.5m of the property boundary,

		however, the property remains in keeping with the surrounding street scene and does not significantly affect any neighbouring dwellings, therefore, this is deemed acceptable.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		The extension lies 0.73m from the property boundary, however, the existing building also lies 0.73m from the property boundary the side, therefore, there is no significant change and this is classed as permissible.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	No habitable windows of neighbouring properties will be significantly affected.	

Side extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	There are no habitable windows in the East side elevation of the neighbouring property to the West.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	The positioning of the window in the side elevation will not allow for any overlook into the neighbouring garden. There is also a window in the side elevation of the existing building,	

	meaning no significant change is occurring.	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house	The path enabling external access to the rear garden will remain and the side extension will not increase the ground floor footprint of the house, therefore, no extra space will be taken up to the side of the dwelling.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		A 1m gap is not retained to the side boundary, however, the side extension will have no adverse effects on the neighbouring property and is retaining the existing gap to the side boundary, therefore, this is considered acceptable in this instance.
be set back at least 500mm from the front wall of the house		The extension will lie flush to the front elevation of the existing building. As the extension is aligning with the existing ground floor and is set back adequately from the pavement, this is acceptable in this instance.

Design and Visual Amenity:

Summary of local street scene/character:

The application site refers to 35 The Ghyll, a detached property constructed from stone walls, a flat profile concrete tiled roof, and uPVC windows and doors. The neighbouring properties and surrounding street scene are of a similar character, age, size, and scale, with the application property appearing smaller than neighbouring properties in the surrounding street scene that have erected extensions.

The property benefits from a driveway and amenity space to the front of the dwelling, as well as a large garden area to the rear.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extensions will have no significant impact on the properties similarity to the local character and street scene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed extensions are subservient to the original building, therefore, there will be no significant impact on the original house.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	The height, scale, and massing of the extensions are all proportionate to the existing building.	✓

	• Chapter 12 of the NPPF		
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The walls are proposed to be constructed using stone to match the existing building, moreover, any windows and doors and to be uPVC, matching the existing dwelling.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed roof is a flat profile concrete tiled roof to match the existing building.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	All proposed windows and proportionate in size and position in comparison to the windows in the existing building.	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – No alternative access arrangements required.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 31, The Ghyll, Fixby, Huddersfield, HD2 2FE – Neighbouring property to the East, any effects of the proposed side extension would be onto this property.
- 37, The Ghyll, Fixby, Huddersfield, HD2 2FE – Neighbouring property to the West, any effects of the proposed rear extension would be onto this property.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	The extensions will not provide any significant impacts on the privacy of neighbouring inhabitants.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	There will be no significant impact on light and outlook of neighbouring properties.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The proposals will not cause any significant impact on neighbouring properties from the viewpoint of overbearing or overshadowing.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c)	The property will retain a large area of garden space to the rear which is deemed acceptable.	✓

	• Chapter 12 of the NPPF		

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposals are set far enough away from the nearest road (The Ghyll) to have no significant impact on highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed alterations to parking at the front of the property are deemed to be adequate and provide three spaces as required for a 6-bedroom property.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Although this is not detailed on the submitted plans, the property will retain plenty of space on site for waste storage.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	**Further comments**	**✓ / X / N/A**
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	The proposal is not close enough to have any significant impact upon trees.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	While the site is within a bat alert layer, the nature of the proposal is not considered to have significant impacts to roosting potential. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and grant of permission which alerts the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards	✓

		to carbon emissions. A Climate Change Statement has been submitted with this application.	
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	**Addressed** **✓ / X / N/A**
Neighbour is worried regarding the mature sycamore trees on their site, and the risk of them falling onto the proposed extension.	The representation has been acknowledged and addressed in the above report.	✓
The neighbouring tenant objects to the proposed rear extension on the grounds of reduced light and outlook, stating they already have partial obscuring of light due to the mature trees at the rear of the property.	The proposed rear extension is set to project 3.33m from the rear elevation of the existing house. As per the House Extensions and Alterations SPD, two-storey rear extensions can project 4m from the existing rear elevation of detached dwellings, therefore, the proposal complies with these guidelines. As a result of this and the difference in elevation between the properties, it is considered that the extension will not have a significant effect on neighbouring property.	✓

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers
Application Number: 2024/92845
Officer Recommendation: Conditional Full Permission

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

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**
Existing Plans and Elevations	23074D-01-P01	-	04/11/2024
General arrangements as proposed	23074D-02-P04	-	04/11/2024
3D plans as proposed	23074D-03-P04	-	04/11/2024
Climate Change Statement	23074	-	04/11/2024
Flood Map	-	-	04/11/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 12/11/2024