

**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:	2024/62/92912/W
Site Address:	31, Stafford Hill Lane, Kirkheaton, Huddersfield, HD5 0EE
Description:	Demolition of existing garage and erection of 2 storey side and 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.

John Holmes

AUTHORISED OFFICER

Date: 16-Dec-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92912
Location	31, Stafford Hill Lane, Kirkheaton, Huddersfield, HD5 0EE.
Proposal	Demolition of existing garage and erection of two storey side and rear extension.
Publicity end date	27/11/2024
Number of representations received	One
Kirklees Local Plan Allocation/Designation	No allocation in 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.

Policy

National

National Planning Policy Framework (NPPF) December 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed 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

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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	It was requested that the side extension was set back 500mm from the front elevation of the existing building, and set down from the existing roofline of the original property. These requests were fulfilled with newly submitted plans.
Parish/Town Council comments sought	Yes	Kirkburton Parish Council have been consulted regarding the application, but offered no comments.
Planning History	No	

Consultations required	Yes	<p>KC Environmental Health – The environmental health team have commented the following:</p> <p><i>We have reviewed the application and supporting information, we offer the following comments.</i></p> <p><u>Contaminated Land</u> <i>The proposed development is not situated on land identified as potentially contaminated; however, it is close to a former quarry that may have been historically infilled. Groundworks are proposed, we therefore recommend a condition in relation to unexpected contamination.</i></p> <p><u>Construction Related Noise</u> <i>The area generally is residential in nature and we recommend a condition to ensure construction noise associated with the proposal does not cause loss of amenity to existing residents.</i></p>
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Assessment

The application seeks permission for a two storey side extension and single storey rear extension.

The proposed side extension will project 3.23m from the side elevation of the original dwelling, with a maximum height of 6.82m, an eaves height of 4.97m, and a depth of 10.4m.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified. In addition, the proposal site lies within a corner plot and therefore paragraph 5.23 of the SPD is also of relevance:

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
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Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	The gap between the application property and the neighbouring property to the South East is considered large enough for there to be no significant impact on the level of natural light entering habitable rooms of the neighbouring dwelling.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes, openings to main bedrooms / habitable rooms would be to the front and rear elevations which would be 25+ meters away from dwellings to the front and rear. An opening to the side elevation would serve a bathroom at first floor and entrance door at ground floor level.	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house	Space will remain at the side of the property, granting external access to the rear garden.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		The side extension only maintains a 0.54m gap to the side boundary of the property, however, as the neighbouring property is set an adequate distance away from the shared boundary it is considered this distance would be acceptable.
be set back at least 500mm from the front wall of the house	The proposed extension is set back 500mm from the front elevation of the existing property.	

Two storey rear extensions should:		
be proportionate to the size of the original house and garden	The proposed extension is proportionate to the size of the original house and garden, not overbearing the original property.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	More than 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 proposed extension projects 2.99m from the rear elevation of the original building.	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		The proposed extension has an eaves height over 3m where it is within 1.5m of the property boundary. However, due to the distance between habitable rooms in the neighbouring property and the shared boundary, it is considered that this will have no significant impact upon habitable rooms in the neighbouring dwelling, therefore, it is considered this is acceptable in this case.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		The proposed extension lies within 1.5m of the property boundary, however, as aforementioned, it is considered that this will not have a significant impact upon the

		neighbouring property or the overall visual amenity of the locality and is therefore deemed acceptable in this case.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	There will be no adverse effects on habitable windows in the neighbouring property, as none face the proposed extension.	

Design and Visual Amenity:

31 Stafford Hill Lane is a semi-detached home located in an area of predominantly semi-detached homes of a similar style, age, character, and size, however, some neighbouring properties are larger, detached dwellings. The property benefits from amenity space to the front, including a garden area and long hard-standing driveway, as well as a garage to the side, and 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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	The proposed development would be constructed using materials that match the original building, therefore, it is considered that there will be no significant impact on the surrounding street scene and local character. A condition requiring matching materials is recommended. The design is considered to be subservient given the set back of the front of the proposal from the	✓

		front of the host property and set down of the roof.	
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	The extensions are to be subservient in size and scale to the original building, therefore, there will be no significant impact on the original house and it will remain the dominant structure on the site.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The extensions will be subservient to the original house in terms of height, scale, and massing.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	The walls are to be constructed using red facing brickwork to match the existing building, alongside white uPVC that will also match the existing building. Condition to ensure this is the case is recommended.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The roof is to be constructed using Smooth Grey Marley Double Roman Interlocking Roof Tiles to match the existing building.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	All the proposed windows are proportionate to those in the original dwelling from a perspective of size, scale, and alignment.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) 	Private domestic extension – no alternate access arrangements required.	✓

	<ul style="list-style-type: none"> Chapter 12 of the NPPF 		
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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 property affected is:

- 33, Stafford Hill Lane, Kirkheaton, Huddersfield, HD5 0EE – Neighbouring property to the South East.

	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)	<ul style="list-style-type: none"> KDP 3 & 4 of the SPD Policy LP24 Design (d) (iv) Chapter 12 of the NPPF 	As the only window facing the neighbouring property will be obscured, given the recommendation this is ensured by condition it is considered that the impact on the privacy of neighbours will not be significant.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> KDP 4, 5, 6 of the SPD Policy LP24 Design (b) Chapter 12 of the NPPF 	As there is an adequate gap between properties and any habitable windows are not located close to the property boundary, it is considered there will be no significant impact on light and outlook on the neighbouring property.	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> KDP 5, 6 of the SPD Policy LP24 Design (b) Chapter 12 of the NPPF 	As aforementioned, due to the adequate gap between the properties and any habitable windows, it is considered that there will be no significant impact on overshadowing or overbearing on the neighbouring property.	✓

Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	The application property will retain at least half of the garden area on the site, which is deemed acceptable.	✓
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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	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The proposed extensions are set far enough back from the nearest road (Stafford Hill Lane) to have no significant impact upon highway safety.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Despite the demolition of the existing garage, the hard-standing driveway to the front of the property is considered to be large enough to fulfil the properties parking provision requirements.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Although nothing specific is detailed in the submitted plans – the site will maintain adequate space 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	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	The proposals are not close enough to have any significant impact upon trees.	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	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 Great Crested Newt area, the proposals are relatively modest, and therefore it is considered unlikely that the proposals would have an impact on the Great Crested Newt population. If Great Crested Newts 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. Informative recommended to draw this to the attention of the applicant. Acceptable subject to informative.	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 	Small scale domestic development to an existing dwelling. As such,	✓

	<ul style="list-style-type: none"> Chapter 14 of the NPPF 	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	<ul style="list-style-type: none"> 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:

Kirkburton Parish Council confirm they have no comment to make.

With regard to third party representations, one objection has been received raising the following summarised concerns (with officer response provided in italics):

- Inappropriateness of the proposals in terms of their adverse impact on the character of the area

Officer Response: The impact upon design and visual amenity is considered within the 'Assessment' section of this report.

- Undue impact on living conditions

Officer Response: The impact upon living conditions is considered within the 'residential amenity' section of this report.

- Development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

Officer Response: This requirement is noted and taken into account in the consideration of this application.

- planning policies and decisions should ensure that developments will add to the overall quality of the area

Officer Response: This is noted and taken into account in the consideration of this application as set out in the 'design and visual amenity' section of the report.

- LP24 is relevant, particularly parts a, b and c.

Officer Response: This requirement is noted and taken into account in the consideration of this application.

- Principle 5 of the House Extensions and Alteration SPD requires natural light is not adversely affected by developments.

Officer Response: Principle 5 is noted and taken into account in the consideration of this application.

- Impact upon the symmetry of the pair of semi detached dwellings

Officer Response: This is noted and taken into account in the consideration of this application within the 'design and visual amenity' section of the report.

- Orientation of the site will see the proposal block out late afternoon / evening sunlight and adversely affect amenity

Officer Response: The impact of the proposal upon natural light, including that to neighbouring amenity spaces is not considered to be significant to the extent that a refusal of permission on this basis could be substantiated by the LPA.

- Any decision other than refusal would be perverse

Officer Response: The merits of this application have been weighed against the adverse impacts of granting permission. In this case it is considered that the development would constitute sustainable development and there is no clear and convincing reason evident that would justify a refusal of permission in this case.

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: 2024/92912

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 first floor window in the Southeast elevation shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale (or equivalent) and be non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the principles within the Council's House Extensions and Alterations SPD.

4. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

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.

5. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not

required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise should be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, great crested newts may be present on site. Newts are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle newts. It is also an offence to

damage, destroy or obstruct access to any place used by newts for shelter, whether they are present or not. If newts 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	Date Received
Application Forms	-	22/10/2024
Climate Change Statement	-	22/10/2024
Location Plan	-	22/10/2024
Existing and Proposed Floor Plans	01RevA	09/12/2024
Existing and Proposed Rear and Side Elevations	02RevA	09/12/2024
Existing and Proposed Front and Rear Elevations	03RevA	09/12/2024
Existing and Proposed Site Plans	04	09/12/2024

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. Further amendments were requested (and submitted) to address concerns relating to the visual impact of the development.

Report Dated: 09/12/2024