

**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>2024/62/92923/W</b>
Site Address:	489, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG
Description:	Erection of rear extensions, side porch, rear dormer extension and associated alterations
Recommending Officer:	Joanna Rednall

**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: 06-Dec-2024**

## **The Site**

489, New Hey Road is a semi-detached bungalow located in Salendine Nook, Huddersfield. The building is finished in red brick with blue slates to the roof. The roof is gable in design with a projecting gable to the front. The property benefits from a small garden and driveway to the front, alongside private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary to New Hey Road or from the rear boundary to Longwood Edge Road. There is a detached single garage and driveway to the rear of the property accessible via Longwood Edge Road. Boundary treatments consist of timber fences and hedging.

The site is situated within a predominantly residential area, whereby there is a varied material palette of brick, render and stone. Adjacent to the site are bungalows of similar design and scale to the application site. Opposite the site are detached, two storey properties constructed from stone. The site is also unallocated on the Kirklees Local Plan.

## **The Proposal**

The application is seeking planning permission for erection of rear extensions, side porch, rear dormer extension and associated alterations.

### **Rear extensions**

The rear extension would be 'L' shaped with a maximum projection of ~4 metres and width of ~4.2 metres from the existing single storey rear projection. This extension is designed with a flat roof and roof lantern projecting ~0.5 metres above the flat roof. Adjoining this extension to the side is a smaller rear extension featuring a ~2.2-meter projection and width of ~4.5 metres. The rear extensions are constructed from concrete blockwork with white/cream render finish to all elevations.

With regard to fenestration, alongside the roof lantern, the extension proposes glazing to the rear and side elevations. This is in the form of bi-folding doors to the rear with a set of French doors to the side elevation. Both of these openings would provide access to the raised patio area. One UPVC window is also proposed to the rear elevation.

### **Side porch**

A porch is proposed to the side/ east facing elevation. This projects ~1.3 metres from the side elevation with a length of ~2.3 metres. This extension has a total height of ~2.6 metres and features a flat roof.

### Rear dormer

A large, flat roof dormer is proposed to the south-facing elevation. The dormer would be ~2.2 metres in height, ~8.3 metres in width and project ~4.3 metres from the roof. The dormer walls and cheeks are finished in dark grey cladding, and it is set within the confines of the rear roof slope.

In terms of fenestration, two UPVC windows and a Juliet balcony are proposed to the rear/ south facing elevation. Internally, these openings would serve two bedrooms and a bathroom.

The development would take the number of bedrooms on site from two to three.

### Associated alterations

A raised patio is proposed to the rear elevation, measuring ~3 metres by ~4.3 metres. The submitted plans indicate this area would be raised ~1.3 metres from the external ground level, with the underbuilds faced in horizontal composite boarding. The submitted plans show a ~ 1.1 metre screening is proposed to the rear elevation, and the side/south facing elevation would feature a 1.8 metre high glazed screening.

The plans also illustrate rendering to the external walls of the existing property.

### History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

### Planning History

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

91/03145 Erection of conservatory and porch extensions  
*Conditional full permission*

2024/91205 Proposed loft conversion with rear dormer, replacement rear extension, roof terrace and associated alterations

*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: 26<sup>th</sup> 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 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.

### **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.

### Rear extension

The Council’s House Extensions and Alterations SPD states that single storey rear 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 terraced houses or by 4 metres for detached properties;*

- *Where extensions exceed 3m in length the eaves height should generally not exceed 2.5 metres; and*
- *Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The rear extension is considered to be of in keeping size and scale to the host property. The 4 metre projection would exceed the SPD's 3 metre recommendation in terms of the projection of rear extensions for semi-detached properties. However, given the extension is set behind the original house, does not project beyond the sides of the host and would retain over half the garden area to the rear of the property, in this case an extension of this scale would appear subordinate to the original building and not excessively large, cramped or prominent in relation to the curtilage and the surroundings of the site. Furthermore, the rear extensions would be in keeping with the design of the host property and local character. This is because the external walls will be finished in white/ cream render to match the host property and material palette of the locality. It is recommended that any grant of permission is subject to condition requiring the colour of render to be white or cream.

Whilst the development would not have an intrusive impact on the New Hey Road streetscene, the extensions would be visible from public vantage points along Longwood Edge Road to the rear of the site. However, due to the scale of the development, it is not considered to cause an incongruous feature within the street scene.

Whilst it has been acknowledged that the works would create more bulk and massing at the site, the host dwelling would still remain the dominant feature and a significant amount of useable amenity space will be retained. As such, it has been considered that the design of the works, on balance, would be acceptable in this case having regard to the extent of previous additions to the rear of the host property and neighbouring properties which exist already.

#### Side porch

Paragraph 5.17 of the adopted SPD recommends: *single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:*

- *not extend more than two thirds of the width of the original house;*
- *not exceed a height of 4 metres; and*
- *be set back at least 500mm from the original building line to allow for a visual break.*

The proposed porch would have an acceptable visual impact. The existing porch to the side would be demolished and replaced with a like-for-like structure approximately 2 metres forward of the existing. This extension would not extend more than two thirds of the width of the original house and would not exceed a height of 4 metres. The porch extension is set well back from the original building line and appears subservient in size and scale to the original house.

With regard to materials, the porch is finished in render of white/ cream finish to match the re-furnished host property and rear extensions. This would have an acceptable visual impact on the original house and would not appear incongruous within the street scene.

### Rear dormer

Section 5.27 of the Council's adopted House Extensions and Alterations SPD relates specifically to dormer extensions:

#### *5.27 Dormer windows should:*

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane;*  
*and*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

There is an extant permission on site for a rear dormer of similar design and scale, the boulestrade serving the Juliet balcony has been slightly altered in design. Although the dormer is large in scale, it is set within the confines of the roof plane and does not project above the ridge and is set in from the sides of the host property. The proposed fenestration details would have an acceptable visual impact, this is because the two proposed windows are of similar proportions and UPVC to match the existing openings on the host property. The submitted plans also show a Juliet balcony to the rear elevation of the dormer, this is modest in scale and aligned with the proposed ground floor opening and would not appear an incongruous addition to the host. Such works would not appear overly prominent and would have a satisfactory visual impact.

In addition, in this case weight is afforded the extent of works capable of being undertaken by utilising permitted development rights. Therefore, given the likely pd fallback that a rear dormer of similar proportions could be build under pd,

subject to condition the walls of the dormer are of a dark grey colour finish, it is considered the proposal would have an acceptable visual impact.

### Associated alterations

The submitted plans show a raised patio area to the rear of the application property, this would be raised ~1.3 metres from external ground level and set ~0.5 metres away from the shared boundary. The raised area is of a simple design, made up of a platform structure that is finished in horizontal composite boarding. The design and scale of the proposed raised platform means that it would not be obtrusive to the rear of the application property. The size of the raised area is considered to be of a subservient design with a minimal projection and height.

A privacy screen is proposed to the western side elevation of the platform, this is acceptable from a residential amenity perspective.

The rendering of the building is acceptable and will not have an adverse effect on the streets scene with a mixed palette of materials prevalent within the vicinity.

Subject to conditions the proposal is considered to be acceptable 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:

*Impact on 491, New Hey Road*

This neighbour is adjoined to the application property from the west-facing elevation.

Given that the extensions would be retained at single storey, officers do not consider there to be any undue overbearing and overshadowing upon these neighbours amenity. In addition, the extension and raised patio area are set approximately 0.5 metres away from the shared boundary to alleviate any overbearing impacts, and the submitted plans show the rear extension closest to the boundary would not project beyond the conservatory at No.491. Given the single storey nature of the extension, it can be concluded that no detrimental impacts of overbearing or overshadowing will be caused as a result of its erection.

The raised area projects approximately 3 metres beyond the rear elevation of No.491. Given its elevated position within close proximity to the shared boundary, there is potential for undue overlooking / harm to the privacy of occupiers of No.491. The submitted plans indicate a 1.8m high privacy screen to the west-facing elevation, this is considered to sufficiently mitigate any undue overlooking impacts. A condition will be attached to the decision notice accordingly.

With respect to the Juliet balcony, given the orientation of the site this opening would not overlook habitable room windows, meaning it is not considered to pose detriment to residential amenity or the living conditions within this neighbouring dwelling. In addition, it is important to note that extensive boundary treatment is in place between these two neighbouring properties, in

the form of fencing and hedging, further working to mitigate any potential impacts of development.

#### Impact on 487, New Hey Road

No. 487 is located to the east of the application site.

The rear extension would project beyond the confines of the existing rear outrigger, however the extension would be set away from the shared boundary by ~2.2 metres and would not bring development closer to the shared boundary. In terms of overlooking, the plans show no openings to be inserted into the eastern elevation, other than those on the proposed porch. The single storey extension and porch are therefore considered to have an acceptable impact on the amenity of No.487.

Whilst there is a limited separation distance between the proposed Juliet balcony and No.491 given that the balcony would be a lightweight addition to the first floor, which appears subservient to the host dwelling, and that there are no habitable room windows within close proximity to the proposals, it is not considered that the balcony would appear overbearing in nature. As previously acknowledged, the application site and neighbouring properties are elevated above the rear gardens. This ensures that any users of the balcony would look out and over these dwellings, rather than directly into any habitable room windows or their garden areas. Therefore, the proposed works are considered to be acceptable in terms of overlooking/overbearing/privacy.

There are no residential properties located to the rear of the site.

It is recommended that any grant of permission is subject to condition requiring all areas of flat roof to be used as roofs only and not to be used as a balcony or terraced area at any time.

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 application property, increasing the number of bedrooms on site from 2 to 3. The existing hardstanding surface to the side of the dwelling and hardstanding surfacing to the rear of the site accessed via Longwood Edge Road would be retained, and this is considered acceptable for a 3-bed property in this case.

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:**

### *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:**

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:** 2024/92923

**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 render walls of the rear extension hereby approved shall be of a white or cream colour finish with any slates / tiles used in the construction of the roof of the rear extension hereby approved matching those used in the construction of the existing roof in all respects. Render applied to the host property shall be of a white or cream colour finish. The colour finish of the external walls of the dormer to rear hereby approved shall be dark grey. The materials of construction and colour finishes approved by this condition shall be thereafter retained for the lifetime of the development.

**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.

3. The flat roofs of the development hereby approved shall be used as a roof area only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

**Reason:** To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local

4. The raised patio hereby approved shall not be first brought into use until the 1.8 metre high obscurely glazed balustrade shown on the approved plan reference 2024/013/06 has been installed in complete accordance with the detail shown on that plan and to a grade 4 degree of obscure glazing. Thereafter, the obscurely glazed balustrade shall be retained in accordance with the details shown on the approved plan and the requirements of this condition.

**Reason:** In the interests of residential amenity and in accordance with Policy LP24(b) of the Kirklees Local Plan, Design Principle 3 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	LP 01	-	14/10/2024
Site Plan	SP 01	-	
Survey Drawing – as existing	2024/013/01	-	14/10/2024
Planning Drawing	2024/013/06	A	14/10/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	-	-	14/10/2024
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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 04/12/2024

No coal