

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:	2024/62/92971/W
Site Address:	20, Stafford Hill Lane, Kirkheaton, Huddersfield, HD5 0EF
Description:	Demolition of existing garage, bay window and lean to extension and erection of two storey side extension, single storey side and rear extensions, detached garage, alterations to existing roofscape to form additional storey and associated works.
Recommending Officer:	Molly Storer

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: 11-Dec-2024

Officer Report

Site Description

20 Stafford Hill is a two-storey detached property located in the area of Kirkheaton, Huddersfield. The property is faced in stone and pebbledash, with a gabled roof which is infilled with concrete tiles. To the side elevation the property benefits from a detached garage however this will be demolished and replaced as part of this proposal. Within the wider curtilage, outdoor amenity space is located to the front, side and rear elevations, with on-site parking available to the front driveway.

The orientation of properties within this street is that while the highway runs to the east the principle elevation of the property is the southern elevation.

The site is located in a semi-rural residential area, with various property types and styles established within the street scene. The neighbouring properties consist of two-storey and bungalow dwellings, faced in an array of external materials.

Description of Proposal

The application is seeking planning permission for the demolition of existing garage, bay window and lean to extension and erection of two storey side extension, single storey side and rear extensions, detached garage, alterations to existing roofscape to form additional storey and associated works.

Two storey side extension:

The side extension will project 3.4m from the northeast elevation and will have a width of 6.8m. it will have a gabled roof to match that of the host property with a height to the eaves of 5.2m with an overall height of 8.8m. The walls will be constructed from coursed stone and render with concrete roof tiles.

Single storey side and rear extension:

The single storey side extension will project 3.5m from the southwest elevation and extend beyond the rear elevation having an overall width of 7.5m. This will wrap around to the rear extension which will project 3m from the northwest facing elevation and have an overall width of 9.6m. It will have a height to the eaves from the lowest ground level of 3m and a part lean-to, part gable roof design. The lean-to roof will have an overall height of 5m while the gable roof will have an overall height of 5.3m. The walls will be constructed from coursed stone and render with concrete roof tiles.

Detached garage:

The proposed garage will be located to the southeast of the site and will have a footprint of 6.5m x 6.65m. It will have solar panels on the northwest facing roof slope and will be constructed from coursed stone and render.

History of Negotiations / Amendments Received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

None.

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 29th November 2024 – No representations were received.

Kirkburton Parish Council – Object on the ground that the extension exceeds the '1/3 size rule'

This objection will be discussed in the following report.

Consultation Responses

No consultations were required.

Allocation and Policy

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).

The site is Unallocated on the Kirklees Local Plan.

Kirklees Local Plan

- LP1 - Achieving Sustainable Development
- LP2 - Place Shaping
- LP21 - Highway and Access
- LP22 - Parking
- LP24 - Design
- LP51 - Protection and Improvement of Local Air Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter2 Achieving sustainable development
- Chapter4 Decision-making
- Chapter9 Promoting sustainable transport
- Chapter12 Achieving well-designed & beautiful places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- House Extensions & Alterations SPD (adopted June 2021)

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters
7. Representations
8. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all pertinent material planning considerations.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations.

Section 5.6 of the SPD relates specifically to single storey rear extensions and provides the following advice:

5.6 Single rear 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 terraced 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.

Section 5.17 of the SPD relates specifically to single storey side extensions and provides the following advice:

5.17 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.

Section 5.20 of the SPD relates specifically to two storey side extensions and provides the following advice:

5.20 Two storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighboring property; and
- be set back at least 500mm from the front wall of the house.

In this instance a 1 metre gap will be maintained between all elements of the proposal and the site boundary except from a narrow point where a corner of the side extension meets comes closer to the boundary line (although a 0.6m gap will still remain) so is therefore considered acceptable in this instance. Furthermore, given the extent to which the proposed extensions will harmonise with the host dwelling in relation to appearance and form (with matching materials and matching eaves height for the two storey element), the proposed works will be visually appropriate and therefore, will be subservient when viewed in conjunction with the host dwelling.

With regards to the single storey side and rear wrap around extension the property is already set from the highway by 4.5m and the wrap around extension will be set back from the side and front elevation of the existing property. Therefore will not be overly visible from the streetscene. In addition, both single storey elements do not exceed 4m in projection and when measured from the ground floor level (upon which the rest of the house is situated) the single storey rear extension has a modest eaves and overall height. With regards to the two storey rear extension, although the ridge is not set down by the suggested 0.5m it is set down by 0.35m and is set in by 0.5m which provides a visual break and appears subservient to the dwelling. Although the elements in the proposal do not adhere to all principles set out in the SPD in this specific case the extension is considered acceptable due to the large plot in which the dwelling is situated and due to the variation within the street the development will cause not significant visual harm to the street scene.

With regards to the detached garage, paragraph 5.30 of the SPD states that out buildings should:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and

- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

In this instance there is an existing garage on site which is set forward of the garage proposed (this is to be demolished as part of the application). The proposed garage is small in scale and will be set back further from the highway behind the property meaning it will be less visible from the street scene. Furthermore, the positioning is more favourable as it aligns with the neighbouring garage and will be constructed from matching materials and is therefore considered acceptable. It is also considered that the solar panels on the garage and house roof are acceptable as they are set within the roof plane and do not extend beyond this.

In addition, all elements will be constructed from materials which match or harmonise with the existing property/streetscene. Construction materials of stone and roof tiles will be used to match that of the host property. The application form has also stated that render will be used, although this is not found on the existing property, it is prominent within the streetscene. A condition will be attached to ensure the render is of a neutral tone to harmonise with other properties in the locality.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighboring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 18 Stafford Hill Lane

This property is located to the northwest of the application site.

Given that the proposed two-storey extension is to be located to the northeast side elevation of the dwelling, it poses limited impact to the residential amenity of this property. Due to the 3m separation distance of the two storey element to the boundary and over 7m to the property at No.18 it is considered that there will be no significant overbearing or privacy impact as a result of the proposal.

With regards to the rear element, there are windows proposed in the northwest elevation however they are at a separation distance of 3.4m to the property at No.18. No.18 is situated on a higher ground level than the site therefore there is considered to be limited privacy/overshadowing impact as a result of the single storey rear/side element of this proposal. Finally, it should also be acknowledged that boundary treatment is erected between the application site and this neighbouring property, in the form of tall wooden fencing, further mitigating any potential impacts.

Impact on 22 Stafford Hill Lane

This property is located to the south of the application site.

In terms of privacy, there is no glazing (apart from 2 roof lights) proposed in the southeast elevation of the single storey element facing this property. In the two storey element there is glazing at both the ground floor and first floor however this is at a separation distance of 12m so will have a limited privacy impact.

It is also considered that the two storey element of the proposal is not in closer proximity than the existing house and therefore will not have any further impact than already exists. Therefore there will be limited overbearing or overshadowing impact.

Furthermore, due to the orientation of the properties they do not directly align meaning that the two storey element will face away from No.22 and the single storey element will be set back behind the original house further mitigating any potential impact.

Impact on 45 Stafford Hill Lane

This property is located to the east of the application site.

In terms of privacy there is extra glazing proposed to the northeast, side elevation facing in the direction of this property. However, it is considered that due to the existing glazing in this elevation, the additional glazing (being brought forward by 4m) will not cause significant additional harm and is not a reason for refusal. In addition, given the setting of this property across the road it is considered no shading will occur. Having considered the above factors, the proposals are not considered to result in any significant impact

upon the residential amenity of any surrounding neighboring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighboring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

4. Impact on Highway Safety

The proposed works will increase the domestic use of the dwelling, as the number of bedrooms will increase by one however the garage space will be maintained and more driveway will become available due to the new siting of the garage. Therefore, it can be concluded that a sufficient extent of parking is retained at the property.

In addition, the extensions do not alter the existing access to and from the property in conjunction with the existing highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

5. 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 predates 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 scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Other Matters

No other matters for consideration.

7. Representations

One representation was received by Kirkburton Parish Council who state they object due to grounds that the extension exceeds the '1/3 size rule'.

However, it is considered that the extension is subservient to the original and will not appear to dominate due to the large plot. Being a detached dwelling the development proposed are considered relative to the scale of the host and not justifiably refusible in visual or residential amenity terms. This has been assessed within the above report.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/92971

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, the external walls materials of the garage, single storey rear and side extension and the two storey side extension hereby approved shall be constructed in natural stone to match that used in the construction of the existing building and render in a neutral tone and shall be thereafter retained. The roofing materials shall also be constructed in materials to match that used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	273-24- PL05 _A	-	23/10/2024
Existing Floor Plans Elevations and Site Layout	273-24- PL01 _A	-	23/10/2024
Proposed Elevations and Site Layout	273-24- PL03 _C	-	23/10/2024
Proposed Garage Floor Plan, Elevations and Site Layout	273-24- PL04 _A	-	23/10/2024
Proposed floor plans	273-24- PL02 _C	-	23/10/2024
Application form	-	-	23/10/2024
Climate change statement	-	-	23/10/2024

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: 13th December 2024