

**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:	2024/62/92979/W
Site Address:	31, Skelton Crescent, Crosland Moor, Huddersfield, HD4 5PN
Description:	Erection of first floor front and side extension with dormers, rear dormer extension and car port
Recommending Officer:	Lucy Taylor

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: 19-Dec-2024

Officer Report.

Reference: 2024/92979

Location: 31, Skelton Crescent, Crosland Moor, Huddersfield, HD4 5PN

Proposal: Erection of first floor front and side extension with dormers, rear dormer extension and car port

Site Description.

31 Skelton Crescent is a two-storey detached property located in Crosland Moor, Huddersfield. The external walls of the property are faced in stone and brick. A tiled gable roof is erected above the host dwelling, with a single storey flat roofed projection from the southern and eastern elevations.

The site is located within a residential area.

Description of Proposal.

Planning permission is sought for the erection of a first floor front and side extension with dormers, rear dormer extension and car port.

The existing flat roofed projection from the southern elevation will be retained and a first-floor extension will be erected above it. The cumulative height of the existing ground floor and proposed extension will be 6 metres, the same as the existing dwelling.

The existing garage which projects from the eastern elevation will be demolished and will be rebuilt, with a first-floor element also erected above. The cumulative height of this extension will be 5.8 metres. Dormers are proposed to the northern and southern roof slopes of this extension.

A dormer is also proposed to the western roof slope.

A car port of an open frame design is proposed to be erected to the eastern elevation.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

No relevant planning history at the application site or neighbouring the application site.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which expired on 3rd December 2024.

In response to publicity, one representation was received. The representation set out the following concerns:

- Object to the side roof dormer as it will overlook neighbouring property and will look directly into habitable rooms.

Consultation Responses.

KC Environmental Health – no objection with the inclusion of conditions and footnotes regarding unexpected contamination and construction site working times.

Policy / Legislation.

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 located within the 'Historic Landfill 250m buffer' layer on the Council's GIS mapping system.

The site is located in a low coal risk area.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

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 2024, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes onto further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

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.

The proposed extensions to 31 Skelton Crescent are considered to be subservient to the host dwelling and are considered to be in keeping with the existing architectural form and layout, following the footprint of the existing flat roofed projection from the southern elevation and garage extension from the eastern elevation.

The existing garage from the eastern elevation is to be demolished and rebuilt, with a first-floor extension added above. Whilst the eastern elevation is described to be the front elevation of the dwellinghouse, in this instance, it is considered that works of the size / scale proposed are acceptable, on the individual merits of the application site and proposal. This is particularly a result of the siting of the dwelling within the street, whereby the northern elevation of the dwelling fronts the highway and is therefore viewed as the prominent elevation. However, in addition to this, the extension would be set back significantly from the front boundary of curtilage of the site, and from the northern elevation of the dwelling by approximately 8 metres. These factors work to conclude that the resultant extension would appear as a subservient addition, with the use of matching materials to be secured via condition.

The dormers proposed to the northern and southern elevations of this extension are also considered to be acceptable additions. Given the set back position of the extension and the size/scale of the dormers proposed, it is not considered that they would appear as overtly prominent additions to the roof of the extension. It is also noted that dormers have been established within the streetscene, with flat roof front dormers erected to properties west of the

application site (No.'s 37-47 Skelton Crescent). Upon any grant of approval, a condition shall be attached to ensure that the materials to face the dormers match the colour finish of the roof.

For the same reasons as set out in the above paragraph, the dormer proposed to the western roof slope of the host dwelling is also considered to be an acceptable addition from a visual amenity perspective.

Turning to the first-floor extension proposed to the southern elevation, this is also considered to be an acceptable addition from a visual amenity perspective. This extension will not be overtly visible from public vantage points along Skelton Crescent and will follow the footprint of the existing single storey projection from this elevation. Therefore, it is considered that this first-floor extension would be viewed as a subservient addition. The use of matching materials for this extension will be secured via condition upon any grant of approval.

The car port frame will be open sided and therefore, is considered to be a subservient addition to the eastern elevation of the dwelling. A condition requiring the colour finish of the car port to be black / dark grey / dark brown and that the materials of construction of the extension to match that of the host property is recommended. A condition requiring the dormers to match the host properties roof in terms of colour finish is recommended.

Therefore, it is considered that subject to condition, the proposal will have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of 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.

Sections B and C of Policy LP24 of the Kirklees Local Plan state that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *'...minimise impact on residential amenity of future and neighbouring occupiers.'*

Further to this, paragraph 135 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

No. 29 Skelton Crescent:

This property neighbours the application site to the east.

Given the siting of this neighbouring property, to the east of the host dwelling, it is not considered that the proposed works to the western elevation (dormer) of the dwelling would impact upon No. 29 by way of overbearing, overshadowing or overlooking.

The proposed extensions to No. 31 Skelton Crescent will retain a minimum separation distance from the shared boundary with No. 29 of approximately 1.4 metres, with an even greater separation distance from the neighbouring dwellinghouse itself, approximately 4 metres. These separation distances are considered sufficient to conclude that the extensions would not result in any significant impacts of undue overbearing or overshadowing towards the occupiers of No. 29 Skelton Crescent.

Officers note that the proposed extensions follow the footprint of the existing single storey projections, which are currently sited to the eastern and southern elevations of No. 31 Skelton Crescent and that the extensions would comply with the 45-degree rule as set out under Key Design Principle 5 of the House Extensions and Alterations SPD. The presence of a detached garage within the curtilage of No. 29 Skelton Crescent has also been acknowledged, with this built structure providing a buffer between the proposed works and the rear elevation / rear amenity space at No. 29.

Officers have also taken into consideration the higher topographical ground level of the application site and have used online sunlight calculator software to conclude that the extensions would pose no increased levels of overshadowing during the winter and pose minimal potential for increased levels of overshadowing during the summer, limited to after 18:00.

One window is proposed within the extensions to face towards No. 29 Skelton Crescent. Whilst this is a ground floor window, given that it is the third window proposed to serve the utility, upon any grant of approval, a condition shall be attached to ensure that this window be obscure glazed, in case of the removal of the detached garage at No. 29 in the future.

The proposed car port to the eastern elevation of No. 31 Skelton Crescent would be open sided and would be adjacent to the solid side elevation of No. 29 Skelton Crescent. This element of the proposals is not considered to result in undue impacts of overbearing, overshadowing or overlooking towards No. 29 Skelton Crescent.

No. 35 Skelton Crescent:

This property neighbours the application site to the west.

Given the siting of this neighbouring property, to the west of the host dwelling, it is not considered that the proposed works to the eastern elevation of the

dwelling would impact upon No. 35 Skelton Crescent by way of overbearing, overshadowing or overlooking.

The proposed first-floor extension to the southern elevation of No. 31 Skelton Crescent is to be erected above the existing single storey projection and will retain a minimum separation distance from the shared boundary with No. 35 of approximately 3 metres, and an even greater distance from the dwellinghouse of No. 35 itself. In addition, whilst officers note the presence of glazing in the adjacent side elevation of No. 35, the first-floor extension is proposed to follow the footprint of the existing single storey projection and therefore, will not be sited directly adjacent to the windows within the side elevation of this neighbouring property. In turn, the proposed first-floor extension to the southern elevation of No. 31 Skelton Crescent is not considered to pose significant impacts of undue overbearing or overshadowing towards No. 35 Skelton Crescent. It is noted that no glazing is proposed to face directly towards No. 35 Skelton Crescent as part of the proposals for a first-floor extension.

The dormer proposed to the western roof slope of No. 31 Skelton Crescent will be contained within the existing envelope of the roof form and proposes a small window to only the southern facing dormer elevation, no glazing is proposed to the northern or western elevations of this dormer. Therefore, for these reasons, the proposed dormer to the western roof slope of No. 31 is not considered to result in any significant impacts of undue overbearing, overshadowing or overlooking for the occupiers of No. 35 Skelton Crescent.

The window in the dormer closest to no.35 is considered to be of a size and scale, and orientation in relation to no.35, that no significant level of overlooking would arise as a result of this element of the scheme and it is considered refusal on the basis of the impact of this window could not be substantiated in this case.

No. 18 Pembroke Court:

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

The extensions will retain a minimum separation distance of approximately 10 metres from the shared boundary with No. 18 Pembroke Court, and an even greater separation distance of approximately 14 metres from the closest elevation of the dwelling. Given these separation distances, it is concluded that the proposed extensions to No. 31 Skelton Crescent would not result in any undue impacts of overbearing or overshadowing towards No. 18 Pembroke Court.

Given the obscure angle of No. 18 Pembroke Court, in relation to the siting of No. 31 Skelton Crescent, the windows proposed to the rear of the extensions would not be directly adjacent to any windows at No. 18. In addition, it is noted that the proposed rear window to serve the study area, would have the same outlook as the existing bedroom window to the southern elevation of the existing dwellinghouse. For these reasons, the proposed extensions to No. 31

Skelton Crescent are not considered to result in significant impacts of undue overlooking towards the occupiers of No. 18 Pembroke Court.

Therefore, with the inclusion of the aforementioned condition, it is considered that there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and would accord with policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within chapter 12 of the National Planning Policy Framework.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 property would continue to have three bedrooms internally and access arrangements to and from the property in conjunction with the highway would remain as existing.

The Housebuilders Design Guide SPD sets out that 3-bedroom properties should provide a minimum of 2 off-street car parking spaces. It is considered that 2 off-street car parking spaces would be retained to the driveway of No. 31 Skelton Crescent following the proposed developments.

Therefore, the proposal is considered to be acceptable and accord with the aforementioned policies.

5) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

The application has been submitted with a Climate Change Statement, that sets out various mitigation measures. Considering the small-scale of the proposed development, it is considered that it would not have an impact on climate change that needs significant mitigation to address the climate change emergency.

Contaminated Land:

The site is located within the 'Historic Landfill 250m buffer' layer on the Council's GIS mapping system.

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan and paragraphs 186 and 195 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 197 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

Upon any grant of approval, a condition would be imposed regarding unexpected contamination. Subject to the inclusion of this condition, the proposal is considered to be acceptable in this regard.

Construction Noise:

Whilst the response of KC Environmental Health is noted, given the scale of the development and fact other legislation can control noise nuisance(s) it is considered it would be unreasonable in this case to require a condition to be in place restricting hours of construction and appropriate for an informative note in place drawing the applicants attention to this matter including the provisions of relevant legislation.

6) Representations

In response to publicity, one representation was received. The representation set out the following concerns:

- Object to the side roof dormer as it will overlook neighbouring property and will look directly into habitable rooms.

Officer Response: Impacts of overlooking have been assessed in full within assessment section 3 of this report. It is concluded that, with the inclusion of a condition to obscurely glaze one window, the proposal would have an acceptable impact on residential amenity with regards to privacy.

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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2024/92979

Recommendation: Approve

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP51, LP52 & LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7

and 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofs of the extensions hereby approved shall be faced in materials to match the appearance of the existing building, including brick, stone and roof tiles. The external construction materials approved by this condition shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The sides and face of the dormers hereby approved shall be finished in materials that in all respects match the colour finish of the roof tiles of the existing building. The materials and colour finish approved by this condition shall be retained as such thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. The colour finish of the supporting structure and roof of the car port hereby approved shall be dark grey or dark brown or black which shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. The development shall not be occupied until the ground floor window in the eastern facing elevation, to serve the utility, hereby approved has been obscure glazed. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

7. If contamination, or the presence of coal 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 shall 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 Bank/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.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
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Location Plan	LOC	-	18.10.24
Existing Plans and Elevations	2921_(100) 01	-	18.10.24
Proposed Plans and Elevations	2921_(100) 02	-	18.10.24
Climate Change Statement	-	-	24.10.24

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were considered required to be sought or submitted.

Report Dated: 11.12.2024