

**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:	2024/62/93198/W
Site Address:	22, Goldcrest Court, Netherton, Huddersfield, HD4 7LN
Description:	Erection of first floor extension to front and single storey side and rear extensions including associated works.
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: 12-Feb-2025

Officer Report.

Reference: 2024/93198

Location: 22, Goldcrest Court, Netherton, Huddersfield, HD4 7LN

Proposal: Erection of first floor extension to front and single storey side and rear extensions including associated works

Site Description.

22 Goldcrest Court is a two-storey detached property located in Netherton, Huddersfield. The property is faced in reconstituted stone and the gable roof above is infilled with concrete tiles. A garage is located to the front elevation of the property. Private outdoor amenity space is located to the rear of the dwelling.

The site is located within a residential cul-de-sac where sense of similarity is established, with the properties located in Goldcrest Court sharing a very similar style of design and construction and faced in matching exterior materials.

Description of Proposal.

Planning permission is sought for the erection of a first-floor extension to front and single storey side and rear extensions, including associated works.

The proposed single storey side and rear extensions would wrap around the host doing and be of an L-shape. To the side, the extension would have a projection from the host property of 1.8 metres and, to the rear, the extension would have a projection from the host property of 4 metres. The maximum height of these extensions would be 3.6 metres.

The proposed first-floor extension would have a projection of 1.2 metres. The height of the first-floor extension would be set down from the height of the host dwelling.

The external walls of the extensions will be constructed from matching reconstituted yellow stone and the roofing forms will be infilled with matching concrete roof tiles.

Fenestration detailing will consist of windows and velux roof lights.

History of Negotiations / Amendments Received.

The case officer entered into negotiations with the applicant / planning agent regarding the size / scale of the proposed extensions and to recommend separation be retained from the shared boundaries of the site. The case officer also noted that the amended plans needed to be scaled correctly.

As a result of such negotiations, amended plans were submitted to reduce the overall size / scale of the proposed extensions and to demonstrate retained separation from the shared boundaries of the site. The amended plans also provided an accurate scale.

Given that the amendments kept the same description of proposal and saw an overall reduction in the size / scale of the proposed extensions, it was not considered necessary to re-advertise the application in this instance.

Relevant Planning History.

At the application site:

- 2023/93348 – Erection of single storey and two storey extension to dwelling and single storey extension to outbuilding. *Refused.*
- 2024/90951 – Erection of single and two storey extension. *Refused with the following reasons:*
 1. The proposed development by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear out of keeping to the host dwelling, having a harmful impact upon the character and appearance of the dwelling and wider street scene. The development would therefore be contrary to Policy LP24 parts (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national Policy set out in Chapter 12 of the National Planning Policy Framework.
 2. By reason of its close proximity and design, the proposed two storey side extension would have an unacceptable overbearing impact, and be unduly oppressive, to the occupiers of No. 24 Goldcrest Court contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 6 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

To neighbouring properties, the following planning history is noted:

- 2003/91997 – 18 Goldcrest Court – Erection of first floor extension. *Granted Conditional Full Permission.*
- 2005/93952 – 16 Goldcrest Court – Erection of single storey extension. *Granted Conditional Full Permission.*
- 2006/91616 – 16 Goldcrest Court – Erection of single storey extension (modified proposal). *Granted Conditional Full Permission.*
- 94/90287 – 16 Goldcrest Court – Erection of first floor extension and conservatory. *Granted Conditional Full Permission.*

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.

Final publicity date expired: 26th December 2024.

In response to publicity, one objection was received. This objection raised the following concerns:

- The side extension is far too close to neighbouring boundary. This will require access to neighbouring land during building in the future when any maintenance is required to the roof or gutters. The building of the foundation is likely to interfere with neighbouring fence foundations, could encroach onto neighbouring land and would inhibit maintenance and / or replacement of neighbouring fence in future.
- The side extension guttering would be below the top of neighbouring fence and the front end of it would be up against the fence which is not a practical solution.
- Consider that extension should be a minimum of 1/2 metres away from neighbouring boundary.

Consultation Responses.

No consultations were undertaken for this application.

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 for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within the Holme Valley Corridor Strategic Green Infrastructure Network.

The application site lies within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision

- LP24 – Design
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)
- House Extensions and Alterations SPD: The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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 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”*.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12.

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.

Section 5.2 of the House Extensions and Alterations SPD relates to front extensions.

Paragraph 5.13 of the House Extensions and Alterations SPD sets out the following with regard to front extensions: *“Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.”*

Paragraph 5.14 sets out that front extensions will not normally be permitted unless:

- the house is set well back from the pavement or is well screened; and
- the extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- the materials and design match the existing features of the original house; and

- the extension would not unreasonably affect the neighbouring properties.

The proposed extension to the front would see a first-floor gable element added. The property currently benefits from a single storey gable roofed projection to the front elevation. The proposed first-floor extension would have the same projection as this existing single storey element (1.2 metres) and is considered to be sufficiently set down to support an overall subservient appearance. The extension would be faced in matching reconstituted yellow stone and the roof would be infilled with matching concrete roof tiles.

Whilst the siting of the dwellinghouse within the street scene is considered to be clearly visible from several public vantage points, the front extension is considered to be of a subservient design. Officers also note that other properties within the same cul-de-sac as No. 22 have similar features to their principal elevations, including No.'s 16 and 18 Goldcrest Court.

It is noted that, for this planning application, the first-floor front extension is set down from the eave's height of the host dwelling. This set down position is considered to overcome the concerns raised within the officer's report for previous application 2024/90951, which also sought permission for extensions to the front of the dwelling.

Section 5.3 of the House Extensions and Alterations SPD relates to side extensions.

Paragraph 5.17 refers to single storey side extensions and states that they 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 side extension would have a projection from the host property of 1.8 metres, equivalent to a projection of one third of the width of the original house. Therefore, the projection of the proposed side extension is considered to appropriately accord with the design recommendations of the House Extensions and Alterations SPD as set out above. In addition, the side extension is to retain a separation distance of 0.5 metres from the shared boundary, preserving a sense of openness around the site.

The height of the side extension will be 4 metres in accordance with the design guidance set out above from the House Extensions and Alterations SPD.

The proposed side extension will be set back from the original building line of No. 22 Goldcrest Court by approximately 0.3 metres. Whilst this is below the recommendation within the House Extensions and Alterations SPD, it is considered to be sufficient in this instance. A set back of 0.3 metres is

considered to sufficiently support a subservient appearance to the single storey side extension.

The side extension will be constructed from materials which match those that face the host dwelling.

It is noted that the proposed single storey side extension under this current application has a set back of 0.3 metres. The single storey side extension under previous application 2024/90951 did not achieve a set back position.

Paragraph 5.6 of the House Extensions and Alterations SPD sets out 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 terraces 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.

The proposed rear extension will have a projection of 4 metres, with 22 Goldcrest Court being a detached dwelling. In addition, the height of the rear extension will be 4 metres. As such, the size / scale of the proposed extension is considered to appropriately accord with the design recommendations of the House Extensions and Alterations SPD, with a significant extent of outdoor amenity space to be retained to the rear of the dwelling following development.

The rear extension will be constructed from matching reconstituted yellow stone and concrete roof tiles.

Whilst officer's note that the rear extension would retain a separation distance of approximately 0.7 from the shared boundary, rather than a one metre as recommended within the House Extensions and Alterations SPD, in this instance, such a separation is considered to be adequate. A separation distance of 0.7 metres will retain an appropriate sense of openness around the site.

For the reasons as set out above, it is therefore concluded that the proposed development would comply with the policies within Chapter 12 of the NPPF, Policies LP1, LP2 or LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3) Impact on Residential Amenity

Section 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 neighbouring 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.

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.

Whilst the proposal would see a reduction in the extent of outdoor amenity space at 22 Goldcrest Court, it is considered that a sufficient amount would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development would be those which directly neighbour the site, these are assessed in turn below:

No.'s 12, 14, 16, 18 & 20 Osprey Drive:

These properties neighbour the application site to the north.

The proposed front extension and single storey side and rear extensions are not considered to result in undue impacts of overbearing or overshadowing for the occupiers of adjacent properties.

This is because the extensions to the side and rear elevations are to be single storey in height and are to retain a separation distance from the shared boundary, with the side extension separated by 0.5 metres and the rear extension by 0.7 metres.

The front extension is of a size / scale which is not considered to be of such a scale that would result in any significant impacts. In addition, the front extension retains a significant separation distance from the shared boundary with these adjacent neighbouring properties, approximately 2.5 metres.

The only glazing proposed to face towards these properties is the velux windows to the side extension. Given the design of this glazing, velux windows, located 2.7 metres above ground level, it is not considered that any undue impacts of overlooking would occur.

No.'s 24 and 26 Goldcrest Court:

Given the proposed locations of the front and single storey side extension to the host dwelling, it is not considered that these additions would result in any

undue impacts of overbearing, overshadowing or overlooking for the occupiers of these neighbouring properties.

In addition, the rear extension is single storey in height and is to be separated from the shared boundary with these properties by approximately 2 metres, with a greater separation distance from the dwellinghouses of No. 24 and 26 themselves. No glazing is proposed to the rear extension which would face directly towards these neighbouring properties.

For the reasons as set out within this section of the report, the proposed developments to 22 Goldcrest Court are not considered to cause undue harm to the residential amenities of neighbouring properties. The scheme therefore complies with Policy LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

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.

Paragraph 4.42 of the House Extensions and Alterations SPD sets out that: *'Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2-to-3-bedroom dwellings provide a minimum of 2 off-street car parking spaces, 4+ bedroom dwellings provide 3 off-street parking spaces'*

The proposed extensions would see three bedrooms retained within the interior of the dwelling.

The submitted 'proposed site plan' shows three on-site parking spaces to be retained at No. 22 Goldcrest Court.

Vehicular access to and from the site would be unchanged.

The proposal is concluded to comply with Policies LP21 and LP22 of the e Kirklees Local Plan, principle 15 of the House Extensions and Alterations SPD, Highways Design Guide SPD and policies within Chapter 9 of the NPPF.

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.

As part of this application a Climate Change Statement was submitted, which set out several mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The proposal would not see the removal of any existing trees or hedgerows.

The proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

6) Representations

In response to publicity, one objection was received. The representation is set out below, accompanied by a case officer reply.

- The side extension is far too close to neighbouring boundary. This will require access to neighbouring land during building in the future when any maintenance is required to the roof or gutters. The building of the foundation is likely to interfere with neighbouring fence foundations, could encroach onto neighbouring land and would inhibit maintenance and / or replacement of neighbouring fence in future.
- The side extension guttering would be below the top of neighbouring fence and the front end of it would be up against the fence which is not a practical solution.
- Consider that extension should be a minimum of 1/2 metres away from neighbouring boundary.

Officer Response: The concerns raised with regards to the proximity of the proposed extensions to neighbouring shared boundaries have been noted. A full assessment of the impacts of the proposed extensions to neighbouring properties is set out within assessment section 3 of this officer's report, titled 'Impact on Residential Amenity'. This section concludes the proposed developments to 22 Goldcrest Court are not considered to cause undue harm to the residential amenities of neighbouring properties.

The impact in relation to maintenance / construction and access over third party land is considered to be a civil matter between the relevant land owners. Notwithstanding this point, it is considered suitable space is provided to allow for maintenance of the extension to be undertaken within the site / for the development to be constructed from within the application site. An informative note drawing the applicants attention to the fact planning permission does not convey a right of access is recommended to be included on any grant of permission.

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: 2024/93198
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, LP31 & LP51 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 & 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 reconstituted yellow stone and concrete 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.

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

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.

NOTE: 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
Existing Plans and Elevations	011 - EX - 01	-	19.11.2024
Proposed Plans and Elevations	011 – PL – 01	-	07.02.2025
Site & Location Plans	011 – PL – 01	-	07.02.2025
Letter from Dempsey + Gannon Architects dated 24.11.04	-	-	11.11.2024
Climate Change Statement	-	-	19.11.2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were submitted to reduce the overall size / scale of the proposed extensions and to demonstrate retained separation from the shared boundaries of the site. The amended plans also provided an accurate scale.

Report Dated: 10.02.2025