

**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:	2024/62/93240/W
Site Address:	1, Easedale Gardens, Lindley, Huddersfield, HD3 3UR
Description:	Erection of single storey extension and creation of raised patio including associated works
Recommending Officer:	Joshua Merriman

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 06-Feb-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93240
Location	1, Easedale Gardens, Lindley, Huddersfield, HD3 3UR.
Proposal	Erection of single storey extension and creation of raised patio including associated works.
Publicity end date	25/01/2025
Number of representations received	None
Kirklees Local Plan Allocation/Designation	The application site is unallocated in the Kirklees Local Plan. In an area with known presence of bats and in proximity to protected trees.
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with

the application and any other considerations which are material to the decision.

Policy

National

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

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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** - Trees
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light

- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	No	
Planning History	Yes	<p>2001/93487 – Demolition of existing dwelling and erection of 3 detached dwellings with integral garages – Conditional Full Permission.</p> <p>2004/91615 – Erection of conservatory – Conditional Full Permission.</p> <p>2014/90753 – Works to TPO(s) HU1/69 – Part Granted/Part Refused</p> <p>2021/91585 – Work to trees TPO Hu1/69 – Refused:</p> <ul style="list-style-type: none"> - The trees are a prominent landscape feature in the locality and as such contribute significantly to public amenity.

		<ul style="list-style-type: none"> - Insufficient reasons were given to justify the use of invasive processes on the trees. - The proposed works could have adversely affected the trees' long-term health. - The process is an excessive option to determine the desired outcome and may impact on the long-term viability of the trees. - The systems set out in the application are not guaranteed to give the precision required to meet the apparent objectives of the application.
Consultations required	Yes	<p>KC Trees – provided the following comments:</p> <p>All trees located on site are protected under TPO HU1/69.</p> <p><i>A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:</i></p> <ul style="list-style-type: none"> • <i>cutting down</i> • <i>topping</i> • <i>lopping</i> • <i>uprooting</i> • <i>wilful damage</i> • <i>wilful destruction</i>

		<p><i>of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.</i></p> <p><i>There would be no objection to the proposals under the condition that this advice is adhered to, and all tree protection measures in the submitted Arboricultural Method Statement are followed through.</i></p>
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Assessment

Description of development:

The application seeks permission for the erection of a single storey side extension and the creation of a raised patio.

The proposed extension will project 8.58m from the side elevation of the existing building, with a maximum height of 4.95m, eaves height of 2.65m, and a depth of 6.6m.

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraphs 5.15, 5.16 and 5.17 on page 28 (and listed below) and if they do not, they need to be justified. The property is also set within a corner plot and therefore paragraph 5.34 on page 30 is also of relevance:

Side extensions	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	As the proposed extension is of a limited scale and located far enough away from any neighbouring property, it is considered that it will have no significant impact on natural light	

	to neighbouring properties.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	The proposed windows to the rear of the extension will not facilitate overlooking into neighbouring gardens and will only give views onto the same land as the current windows in the dwelling allow.	
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	The proposal will extend 8.58m from the side elevation of the existing property, and the width of the original property is 12.99m. Therefore, the extension extends just under two thirds of the width of the original house.	
not exceed a height of 4 metres		The proposed extension has a maximum height of 4.95m, however, as the application property is located on a large site, it is considered that this would have no significant effects and is therefore considered acceptable.
be set back at least 500mm from the original building line to allow for a visual break	The extension would be set back 4.36m from the front elevation of the original house.	

Design and Visual Amenity:

Summary of local street scene/character:

The application site refers to 1 Easedale Gardens, a two-storey detached property constructed primarily from natural stone walls, a concrete tiled roof, PVC windows, and timber doors. The property is located on a cul-de-sac with two neighbouring properties of a similar age, style, size, and character, all of which are located on large sites. The application property benefits from a large garden area wrapping around the North East side of the house, from the front to the rear, as well as a garage to the North of the dwelling.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	<ul style="list-style-type: none">• KDP1 of the SPD• Policy LP24 Design (a) and (c) of the KLP• Chapter 12 NPPF	The proposed extension is subservient to the original building insofar as it is single storey and would not project from a principle elevation and is set to be constructed using materials to match the existing building, therefore, it is considered that there will be no significant impact on the local character and street scene.	✓
Impact on original house	<ul style="list-style-type: none">• KDP2 of the SPD• Policy LP24 Design (c) and (d) of the KLP	On the basis the proposal will be constructed using materials to match the original house, it is considered that there will be no significant impact on the original house.	✓

	<ul style="list-style-type: none"> • Chapter 12 of the NPPF 		
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The proposal is subservient to the original dwelling in terms of height, scale, and massing.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	The extension is set to be constructed from natural stone walls and PVC window, which both match the existing building. The proposed doors are to be aluminium/timber, of which the timber doors will match the existing timber doors in the house, however, the proposed aluminium doors will be located to the rear of the dwelling and have no significant impact on the local character and street scene, as a result, they are considered acceptable. Therefore, the facing materials and detailing of the proposal is all deemed acceptable.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	The extension is proposed to have a concrete tiled roof to match that of the existing building.	✓

Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	All proposed windows are proportionate to those in the existing building in terms of size and positioning.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Private domestic extension – no alternate access arrangements required.	✓

It should also be noted that the proposed patio to the rear of the house will be located on a raised platform due to the land levels on the site being slightly uneven. However, the raised platform will not be above the existing patio level, therefore, the design and visual amenity of the proposed patio is considered acceptable.

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 2, Easedale Gardens, Lindley, Huddersfield, HD3 3UR – Neighbour to the South West.
- 10, Cowrakes Close, Lindley, Huddersfield, HD3 3LB – Neighbour to the East.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD 	It is considered that the proposed full-length	✓

sides, rear and front)	<ul style="list-style-type: none"> • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	windows in the rear of the extension, and proposed patio to the rear of the property, would not significantly increase the impacts on the privacy of neighbours as the existing windows in the property also have the same outlook onto non-habitable rooms of 10 Cowrakes Close. The properties are 13.32m apart, given the scale and nature of the proposal it is considered that the development will have no significant impact on the privacy of neighbours.	
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	Due to the limited scale of the extension and its location away from neighbouring dwellings, it is considered that there is no opportunity for significant impacts on neighbouring properties by way of impacts on light and outlook.	✓
Impact on overbearing or overshadowing	<ul style="list-style-type: none"> • KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As aforementioned, due to the limited scale of the extension and its location on the large application site, it is considered that there will be no significant effects on neighbouring properties by way of overbearing or overshadowing.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD 	The application property will retain a large amount of garden space, which is	✓

	<ul style="list-style-type: none"> • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	over 50% and deemed an acceptable amount.	
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The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	As the proposals are to the rear of the dwelling and set adequately back from the nearest highway (Easedale Gardens), it is considered there will be no significant effects on highway safety.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The number of bedrooms at the property will not increase as a result of the proposals, and the current hard-standing parking area and garage to the front of the dwelling will not be affected, therefore, the parking provision at the application site is deemed acceptable to remain as current.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD 	Although nothing specific is detailed in the submitted plans, there	✓

	<ul style="list-style-type: none"> • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	will be adequate space on site for waste storage.	
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The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	<p>Following a formal consultation with KC Trees, the following comments were received:</p> <p><i>All trees located on site are protected under TPO HU1/69.</i></p> <p><i>A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:</i></p> <ul style="list-style-type: none"> • <i>cutting down</i> • <i>topping</i> • <i>lopping</i> • <i>uprooting</i> 	✓

		<ul style="list-style-type: none"> • <i>wilful damage</i> • <i>wilful destruction</i> <p><i>of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.</i></p> <p><i>There would be no objection to the proposals under the condition that this advice is adhered to, and all tree protection measures in the submitted Arboricultural Method Statement are followed through.</i></p> <p>Having regard to the response of the Tree Officer it is recommended that a condition be included ensuring the development is carried out in accordance with the tree protection measures outlined in the submitted Arboricultural Impact Assessment. Subject to condition the proposal is considered acceptable in this regard.</p>	
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 	While the site is within a bat alert layer, the nature of the proposal is not considered to have	✓

	<ul style="list-style-type: none"> Chapter 15 of the NPPF 	significant impacts to roosting potential. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and grant of permission which alerts the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> KDP 8, 9, 10 & 11 of the SPD Policy LP51 Chapter 14 of the NPPF 	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> KDP 14 of the SPD Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A

document titled 'Arboricultural report and Arboricultural Impact Assessment' ref: 22537/AJB which shall be retained thereafter.

Reason: In the interests of protecting the trees on site that are subject to TPO HU1/69, to accord with Policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: The applicant should be reminded that the TPO's on site are protected under TPO HU1/69, which prohibits the cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction of trees without the local planning authority's written consent. Carrying out any of these acts without permission is an offence.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Forms	-	-	18/11/2024
Tree/Arboricultural Survey	22537_Arboricultural Implications Assessment	-	16/12/2024
Climate Change Statement	-	-	18/11/2024
Grouped Plans and Elevations	P01 – Existing	-	18/11/2024
Grouped Plans and Elevations	P02 – Proposed	-	18/11/2024

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated:

27/01/2025
