

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:	2024/62/93241/W
Site Address:	82, Fenay Lane, Almondbury, Huddersfield, HD5 8UJ
Description:	Erection of first floor side extension with Juliet balcony and part conversion of existing garage to living space
Recommending Officer:	Joanna Rednall

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: 16-Jan-2025

The Site

82, Fenay Lane relates to a two-storey detached property located in Almondbury, Huddersfield. The application property occupies a medium-sized plot and benefits from a lawned garden to the rear with a smaller garden to the front and a driveway alongside it. The property features a single garage to the side with a large, white dormer to the side roof slope.

The property is located at the end of a row of houses on Fenay Lane. The properties are set back from the pavement and vary in terms of design and architectural features, with properties opposite the site being larger and situated on more spacious plots.

The Proposal

The applicant is seeking planning permission for erection of first floor side extension with Juliet balcony and part conversion of existing garage to living space.

The first floor side extension projects ~5.5 metres from the side of the host, lying flush with the footprint of the garage below. The total length of the extension is ~8 metres, the eave height is ~3.6 metres, and the ridge height is ~6.3 metres. The first-floor extension does not cover the whole footprint of the garage, as a balcony ~1.5 metres in depth and ~3.3 metres in width is proposed to the rear of the first floor.

The extension is constructed from charred timber cladding and the roof is infilled with black slates to match the original house. The existing tiles to the front elevation are to be replaced with charred timber cladding to match the extension, and the ground floor would remain as brick.

Fenestration is proposed to the front and rear elevations. This is in the form of a small window to the front and a window to the rear, as well as a glazed door to serve the balcony.

The garage footprint has not changed as a result of the development, the depth has been reduced from ~9 metres to ~2.4 metres, with the remaining space converted to a dining area. An internal wall will be built to separate the garage from the proposed dining space.

The development would result in the total number of bedrooms on site increasing from 3 to 4.

The design incorporates a dormer feature within the proposed roof slope, this would not feature openings within it and would be a flat roof design constructed with charred timber cladding.

History of Negotiations

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

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 27th December 2024

1 letter (which includes hand-written letters, e-mails and on-line representations) of representation have been received. This is summarised as follows:-

Letters of objection

- Overlooking resulting from the rear balcony across the neighbouring properties amenity space(s).
- Loss of light from trees and shrubbery

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan

unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon visual amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Paragraph 4.2 of the House Extensions & Alterations SPD states that "the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations". Paragraph 4.6 states "where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case by case basis."

First floor side extension

Section 5.3 of the Council's SPD relates to side extensions. Paragraph 5.16 sets out: *"Side extensions should maintain the quality of the environment for neighbours by: Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and Positioning windows to minimise or avoid any potential overlook into neighbouring gardens."*

Paragraph 5.22 relates specifically to first-floor side extensions and provides the following guidance:

"5.22 Two-storey and first floor side extensions should:

- ideally be visually smaller in relation to the original house;*
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- have a roof design that follows the form of the existing roof; and*
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens."*

It is considered that the proposed first floor extension would be of an appropriate design in the context of the host dwelling and the design of neighbouring properties. The extension is not set back from the front elevation of the host, but it would be set down from the ridge by 300mm with a pitched roof to replicate the appearance of the host property. The projection to side of the extension with the smaller pitched roof allows for an appearance of lesser proportions to the existing main part of the dwelling, and retains an appropriate separation from the closest boundary, retaining an appropriate sense of openness and avoiding a terracing effect. The first-floor extension would also be facilitated by the alteration of the large, unsympathetic white UPVC dormer to the side which would form a link between both the proposed and existing roof slope. The dormer to the west would be retained and finished in charred timber cladding to match the extension. This is considered to have an acceptable visual impact and match the proposed finishes on the host.

With regard to materials, the exterior walls would be constructed from charred timber boarding and the roof would be infilled with tiles to match the host. It is noted the proposed materials of timber boarding is not a feature present on the application property or in the wider area. However, in this instance, the property is set well back from the highway and the designs of surrounding properties vary, with a mixed material palette in the locality. The proposed development would maintain the use of brick on the ground-floor front elevation, preserving some of the property's original features. In addition, the rear elevations would be predominantly brick therefore preserving some of the original character of the host when viewed from Fenay Close.

The applicant has submitted a supplementary statement detailing the proposed use of timber cladding would create a soft contrast against the brickwork which blends naturally with the surroundings. Having taken the above into account, the proposed differing of materials to those used on the original property is considered to have an acceptable impact upon visual amenity.

The proposal would see flat roof elements to a property which has a large proportion of the building of a flat roof design. The proposed alterations to the dwelling, including the alterations to the materials of construction are considered to be acceptable visually in this case having regard to the visual impact of the existing building and the nature / design of the proposed works.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being 80, Fenay Lane and 24, Fenay Crescent.

80, Fenay Lane

This neighbour is located west of the application property.

The proposed first floor extension would not project beyond the front or rear elevations of the original house and is separated by this neighbour by the main body of the application property. Due to these reasons, the first-floor extension would not cause unduly harmful overlooking, overshadowing or overbearing impacts. The proposed balcony is set slightly behind the rearmost elevation of No.80 and is set approximately 10 metres away from the shared boundary. The balcony is set within the ground floor footprint of the garage, therefore would not cause any harmful overshadowing/overbearing impacts.

The scale of the balcony element of the scheme, combined with the separation distance, is considered sufficient to mitigate the impact of this element of the proposal with regard to overlooking resulting from the balcony and it is considered that a refusal on such a basis would not be able to be substantiated in this case.

For the reasons set out above, it is considered that the proposal would not result in detrimental impacts of overbearing, overshadowing or overlooking for the occupiers of No. 80 Fenay Lane.

24, Fenay Crescent

This neighbour is located to the rear of the property.

The proposed balcony is set ~12 metres away from the shared boundary, and ~28 metres from the neighbouring property itself. Due to these separation distances, the proposed development is not considered to cause any harmful overlooking, overbearing or overshadowing impacts to occupiers of No.24.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

Paragraph 5.28 sets out the following guidance for balconies:

“5.28 Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.*
- Sited away from locations that are sensitive to additional noise levels or disruption.”*

A small balcony is proposed to the rear of the first-floor extension and above the existing ground floor footprint of the garage. The balcony is positioned to avoid overlooking neighbouring gardens. This is because it is set away from the shared neighbouring boundary with 80, Fenay Lane (approx. 10 metres), and approx. 12 metres from the rear shared boundary with 24, Fenay Crescent. This is considered a sufficient distance to mitigate detrimental overlooking into neighbouring homes or gardens. Due to its modest scale, the proposed balcony is considered to have an acceptable impact on visual amenity.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development would increase the number of bedrooms on site, taking the total number of bedrooms from 3 to 4. Key Design Principle 15 of the Council's SPD recommends a dwelling with 4 bedrooms to provide 3 off-street parking spaces. It is considered that the existing driveway, which is to remain as existing, would sufficiently accommodate appropriate levels of off-street parking for the extended property. The plans indicate the use of a parking space to the front of the property. This area is already hard surfaced and there is no impediment to its use.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect,

by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

- Overlooking

Officer response: This has been assessed under section 3 of this report.

- Loss of light from trees and shrubbery

Officer response: The planting of vegetation does not require planning permission, although were such planting to become of an unacceptable height in the future there is separate legislation in relation to high hedges

which could allow the Council to take action were such an occurrence to take place in the future.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number:

Officer Recommendation:

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of

Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	246-GA-050	C00	13/11/2024
Existing Plans	246-EX-100	C00	13/11/2024
Proposed Elevations	246-GA-200	C00	13/11/2024
Proposed Ground Floor Plan	246-GA-100	C00	13/11/2024
Proposed First Floor Plan	246-GA-101	C00	13/11/2024
Proposed Roof Plan	246-GA-120	C00	13/11/2024
Proposed Elevation 1	248-GA-200	C00	13/11/2024
Proposed Elevation 2	246-GA-201	C00	13/11/2024
Proposed Elevation 3	246-GA-202	C00	13/11/2024
Proposed Elevation 4	246-GA-203	C00	13/11/2024
Trees to be pruned	246-GA-500	C00	13/11/2024
Design Statement	-	-	13/11/2024
Application form	-	-	13/11/2024
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 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:

14/01/2025

Low coal