

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:	2024/62/93255/W
Site Address:	17, Tanyard Road, Oakes, Huddersfield, HD3 4YW
Description:	Demolition of existing garage and erection of single storey side extension and alterations, and new balcony to rear with access to garden below
Recommending Officer:	Joshua Merriman

DECISION – COINDITIONAL 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: 08-Jan-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93255
Location	17, Tanyard Road, Oakes, Huddersfield, HD3 4YW.
Proposal	Demolition of existing garage and erection of single storey side extension and alterations, and new balcony to rear with access to garden below.
Publicity end date	26/12/2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	No allocation in the Kirklees Local Plan.
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 51** – Protection and improvement of air quality
- **LP 53** – Contaminated and unstable land

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	89/04762 – Erection of conservatory – Withdrawn.

		2011/90700 – Erection of porch to rear of the house – Conditional Full Permission.
Consultations required	Yes	KC Trees – Following an informal consultation with the trees team the below response was received: <i>Due to the existing hardstanding, it is thought rooting activity in the area designated for the extension is highly unlikely and therefore we would not take any issue with the proposals.</i> <i>We would remind the applicant that the trees are covered by TPO 33/94 and if they require any pruning to facilitate the proposals then they must apply to the local authority to do so.</i>

Assessment

The application seeks permission for a single storey side extension.

The proposed side extension will project 5.63m from the side elevation of the original dwelling, with a maximum height of 5.24m, eaves height of 2.51m, and a depth of 7.62m.

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	There is adequate space between the proposed extension and the neighbouring property, therefore, it is considered there will be no significant impact on the natural light to habitable rooms of the neighbouring properties.	

Positioning windows to minimise or avoid any potential overlook into neighbouring gardens		The proposed rear windows on the extension could facilitate minor overlooking into neighbouring gardens, however, they are not located significantly closer to the neighbouring garden than the existing rear windows, therefore, they are considered acceptable and to have no significant impact.
Single storey side extensions should:		
not extend more than two thirds of the width of the original house	The proposal does not extend more than two thirds of the width of the original house at only 5.63m, compared to the original house at 8.8m	
not exceed a height of 4 metres		The maximum height of the extension is 5.24m, however, it is still subservient to the original building and fits into the surrounding street scene, therefore, is considered acceptable.
be set back at least 500mm from the original building line to allow for a visual break		The extension would lie flush with the original dwelling, however, there are multiple side extensions and garages in the street scene that also lie flush with the host property, therefore, this proposal is considered to be acceptable as not departing too far from the street scene.
Balconies and roof terraces should be:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>

Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens	Due to the distance and difference in elevation between the application property and neighbouring dwelling to the rear (8 Quarmby Croft), and taking account of the size / scale of the balcony, it is considered that the proposed balcony to the rear will not have a significant overlooking impact onto neighbouring occupiers.	
Sited away from locations that are sensitive to additional noise levels or disruption	The location is a residential area that is not sensitive to additional noise levels or disruption.	

Design and Visual Amenity:

Summary of local street scene/character:

17 Tanyard Road is a two-storey detached property constructed from predominantly concrete roof tiles, natural stone walls, and uPVC windows and doors. The application property has neighbouring dwelling of a similar size, scale, age, and character, as well as opposing dwellings which are semi-detached but still of similar character. The property benefits from a hardstanding area to the front, suitable for parking, as well as a small amenity space, a garage to the North, and a garden area to the rear.

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	KDP1 of the SPD	The side extension will be constructed using materials to match the	✓

	• Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	existing building, and the proposed balcony is located to the rear and will not be visible from the front of the dwelling, therefore, it is considered that there will be no significant impact on the local character and street scene.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The extensions are subservient to the original house and will be constructed using materials to match, therefore, there will be no significant impact on the original house. The balcony is considered to be reflective of the character of the host property and not considered to have a significant impact in this regard.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The extensions are subservient to the original building in terms of height, scale, and massing. The size of the balcony is considered to be proportionate to the dwelling.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	For the proposed side extension, the walls are proposed to be constructed from natural stone, with the windows and doors all uPVC, all of which will match the existing building. As for the balcony, the agent confirms the use of steel and timber for its construction. These materials would be secured by condition.	✓
Roof style	• KDP 1 and 2 of the SPD	The roof is set to be concrete tiles to match the existing roof.	✓

	• Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF		
Window proportions	• 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 existing in the dwelling in terms of the size and positioning.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alternate access arrangements required.	✓

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:

- 21, Tanyard Road, Oakes, Huddersfield, HD3 4YW – Neighbour to the North.
- 8, Quarmby Croft, Quarmby, Huddersfield, HD3 4YD – Neighbour to the rear.

	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 sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Due to the placement of habitable windows in the neighbouring properties, and the elevation difference between 17 Tanyard Road and some surrounding dwellings, it is deemed that there will be little increasing effect on these types of	✓

		windows, from the proposed side extension and balcony. As a result, it is considered that there will be no significant impact on the privacy of neighbours.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Due to the sloping design of the side extension and subservience to the original building, it is considered that it will not cause any significant impact on the light and outlook of neighbours.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As aforementioned, due to the sloping design of the extension it is considered that there will be no significant impact on overbearing or overshadowing of neighbouring dwellings.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The application property will retain most of its rear garden space, as the proposed balcony will not take up much more amenity space than the existing lower patio. Moreover, the dwelling will also retain most of its front amenity space, which is considered acceptable.	✓

The impact of the balcony in terms of overlooking is considered to be acceptable, as set out in the above report. Furthermore the size / scale of this element of the proposal is not considered to be unduly oppressive / overbearing or lead to a significant level of overshadowing of neighbouring occupiers.

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	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal is set far enough back from the nearest road (Tanyard Road) to have no significant impact on highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The property will retain two off-street parking spaces despite the loss of the garage, which fulfils the requirements given no bedrooms are being added to the dwelling.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Although nothing specific is detailed on the submitted plans, there will be adequate space for waste storage on site.	✓

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	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	Although the proposal is close to a TPO at the front of the property, it is thought rooting activity in the area designated for the extension is highly unlikely and therefore the KC Trees team would not	✓

		take any issue with the proposals.	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	While the site is within a bat alert layer, the nature of the proposal is not considered to have 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	• 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	• 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
None		N/A

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2024/93255

Officer Recommendation: Conditional Full Permission

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 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

3. Notwithstanding the plans submitted the external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building. The walls of the balcony hereby approved shall in all respects match those used in the construction of the existing building or be constructed using steel frame and timber infill. The materials of construction approved by this condition shall be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 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 42 of The Conservation of Habitats and Species Regulations 2017. 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.

NOTE: The applicant should be reminded that the tree to the front of the property is covered by TPO 33/94 and if any pruning is required to facilitate the proposals, an application must be filed to the local authority to do so.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Forms	-	-	14/11/2024
Climate Change Statement	2505	-	14/11/2024
Location Plan	2505-D-20-001	-	14/11/2024
Existing Ground Floor and Site Plans	2505-D-20-002	-	14/11/2024
Proposed Ground Floor and Site Plans	2505-D-20-003	-	14/11/2024
Existing and Proposed Elevations	2505-D-20-004	-	14/11/2024

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: 08/01/2025