

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:	2024/62/93286/W
Site Address:	30, Midway, South Crosland, Huddersfield, HD4 7DA
Description:	Demolition of conservatory, erection of rear extension, front extension to replace porch and external alterations (within a Conservation Area)
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: 13-Jan-2025

The Site

The application property relates to a single-storey detached 'L' shaped property located in South Crosland, Huddersfield. The property occupies a corner plot and is constructed from natural stone incorporating a pitched roof above infilled with concrete tiles. The property is surrounded by a lawned garden and benefits from a driveway to the front.

The application site is situated within a wider residential area where surrounding development comprises detached, semi-detached and terrace properties. The material palette appears to consist of stone and white render, and boundary treatments are predominantly short stone walls and hedges.

The property is located within South Crosland Conservation Area and the Green Belt on the Kirklees Local Plan.

The Proposal

The applicant is seeking planning permission for demolition of conservatory, erection of rear extension, front extension to replace porch and external alterations (within a Conservation Area).

The existing conservatory would be demolished to facilitate the rear extension. The rear extension has a projection of ~4.5 metres and width of ~7 metres, and the extension is designed with a flat roof and parapet wall, the total height being ~3.4 metres. The construction materials would consist of natural stone. A roof lantern is proposed to the centre of the flat roof, measuring ~0.5 metres in height, and full-height grey glazed doors are proposed to the rear elevation.

The existing entrance canopy would be replaced with a front extension which would have a gable roof design set down from the ridge of the host property. External alterations are also proposed, which includes new openings replacing windows with doors to the front elevation.

History of Negotiations

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

Planning History

Relevant planning history for this site is summarised as follows:-

88/02333 Erection of garage/car port (within Conservation Area)
GRANTED CONDITIONALLY

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, a site notice and a press notice.

Final publicity date expired: 30th December 2024

No representations were received as a result of the publicity.

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
- LP35 Historic Environment
- LP57 Green Belt

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 13 – Protecting Green Belt land
- 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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

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”.

Green Belt

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. All proposals for development in the Green Belt

should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 154 and 155.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 a few exceptions to this includes the extension or alterations of a building if this does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan sets out that proposals for the extension, alteration, or replacement of buildings in the Green Belt will normally be acceptable, provided that, in the case of extensions, the original building remains the dominant element in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the character of the original part of the building.

Is the development inappropriate in the Green Belt?

Policy LP57 also provides other criteria for extensions in the green belt, this being that the:

- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
- d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

In this case, a review of historic mapping and planning history has been undertaken, and it appears the application property as it stands has undergone previous work and extensions, by way of a side garage extension and rear conservatory extension.

In this instance, the works would be to construct a single-storey rear extension and front extension, the development would (in part) be in place of an existing structure and adjoin the garage extension, which appears to be the only addition to the property since 1948. This addition will need to be taken into consideration as they do add to the cumulative volume of extensions to the original building.

It is considered that the previous alterations to the dwelling, including the extensions proposed under this application, would not have a cumulative impact that is disproportionate when assessed against the original building. The previous extensions, as well as the two extensions proposed under this application which are not considered to result in a significant increase to the

volume and footprint of the original building and would not appear disproportionate when assessed against the scale of the original building in this site-specific case.

In addition, it is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, but visually whether the extension is considered to be disproportionate by means of the overall increase in footprint and volume. When assessing the visual impact of the proposal, the extensions proposed under this application are modest in scale and located to the front and rear of the host. The proposed rear extension would have a footprint slightly larger than the existing conservatory, however the small-scale nature of the rear extension would not appear visually disproportionate to the original house and would leave the original property dominant in all aspects. Turning to the front extension, the development would not lead to undue bulking to the front of the property, and it is considered the minor scale of the front extension would not visually constitute a disproportionate addition to the original house. The alterations, would not appear disproportionate in the context of the original house. For these reasons, visually, the development is not considered to result in disproportionate addition to the original building and the original building would remain the dominant element on site.

For these reasons, it is considered that in design terms the extension would not appear as a disproportionate addition, nor would it adversely impact the openness of the Green Belt or lead to encroachment into the countryside. The development, in this site-specific case, would accord with Green Belt Policy set out in LP57 and Chapter 13 of the NPPF.

Impact on South Crosland Conservation Area / listed buildings to the north of the site.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

At paragraphs 212 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that

outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. In this case, as set out earlier, the extensions are modest in scale and are considered to have a neutral impact on the setting of the Conservation Area, particularly when considering the structure to be removed / replace.

The application is supported by a design and heritage statement that identifies the location of the application site within South Crosland Conservation Area and sets out the extension is proposed within the envelope of the existing building and is formed using oak to provide a soft and traditional appearance. The proposed rear extension is constructed using matching materials to the application property and is screened from public vantage points by the main body of the host. In conclusion, it is considered that the extension would not lead to harm in the Conservation Area and would have a neutral impact on the designated heritage asset. Furthermore, it is considered the proposal would not have an impact on the setting of a listed building, taking account of the scale / nature of the proposal in relation to the listed buildings to then north.

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.

Single storey rear extension

Paragraph 5.6 of the House Extensions and Alterations SPD sets out that single storey extensions to rear 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 is considered to appropriately abide by the key design principles as set out in the SPD. The scale is considered to be in keeping with the original house, however the projection would exceed the recommended 4 metres for detached properties. The proposed extension has a projection of ~4.5 metres, however due to its position in relation to the host property, it is considered there would be no design benefit in reducing the extension by ~0.5 metres and it would be unreasonable of the LPA to request such an amendment in this case. The extension is designed with a flat roof, and although a flat roof does not necessarily always represent good design, in this case the flat roof aids no undue bulking/massing to the overall design of the extension, ensuring that no obtrusiveness will be caused to the rear of the property. The rear extension would be facilitated by the demolition of the white UPVC/ rendered conservatory to the rear of the host and replacing a structure that does not preserve the property's original character. The submitted elevations show a parapet wall to the side of the extension, this would be constructed using matching materials to the host and have an appropriate visual impact. To ensure the development has an appropriate impact on the host, it is recommended a condition be attached to the decision notice confirming any external wall materials for the extension match those used on the host property.

The proposed fenestration details to the rear elevation would harmonise well with the host property and would appear in keeping with the style of the original house. The proposed roof lantern is considered to be an appropriate contemporary addition. Overall therefore, the proposed rear extension is considered to be acceptable from a visual amenity perspective.

Front extension

Paragraph 5.13 of the Council's SPD relates to front extensions and details that as 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 will not normally be acceptable and are considered likely to appear particularly intrusive.

Paragraph 5.14 sets out "*Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and 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 front extension is modest in scale compared to the size of the original house and infills the existing entrance canopy to form a porch. The property is set well back from the pavement and the proposed extension would not project forward of the existing front elevation, therefore would have a minimal impact on the street scene. The proposed lean-to roofing style would be retained from the existing entrance canopy, ensuring that no additional bulking or massing will occur as a result of the development. The oak-framed glazing would minimise the appearance of the extension within the street scene, and would have an appropriate visual impact on the host property.

External alterations

The submitted design and heritage statement sets out the porch to the west-elevation would be converted to office space, and the existing uPVC windows would be removed to allow for a new stone walling and a pitched roof above. The footprint of the porch would not change as a result, instead the extent of glazing would be reduced, and the lean-to roof would be reconfigured to be pitched. It is considered these alterations would have an acceptable visual impact, with external walls constructed using natural stone and incorporating concrete tiles for the new roof above. To ensure the development has an appropriate impact on the host, it is recommended a condition be attached to

the decision notice confirming any external wall materials for the extension match those used on the host property. The fenestration details would be of similar proportions to those on the existing dwelling, therefore having an acceptable impact on visual amenity.

The submitted elevations show two windows on the side/west elevation would be modified to form two sets of glazed patio doors in grey casing, and one small window is proposed to the front elevation. These alterations are considered to be acceptable in terms of visual amenity due to the position of the property in the street-scene and the varied nature in terms of design and scale in the vicinity.

Submitted drawing ref (0-) 02 sets out materials of construction, which details all materials which would be to match the host property / introduction of new materials. The material palette is considered to be acceptable and a condition requiring this is they are undertaken as per the submitted plans is recommended.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

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

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:

32, Midway

This property is located east of the application property.

It has been assessed the proposed extensions would have an acceptable impact upon the amenity of this neighbour. There are no openings proposed that could impact upon privacy, and the rear extension is limited to single storey in height. The blank elevation to the rear of No.32 would also screen any impacts of the development, therefore no detrimental overlooking / overshadowing / overbearing impacts would occur. The front extension would be screened by the existing garage and would not impact the amenity of No.32.

28, Midway

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

The rear extension would bring development closer to this neighbour, however a separation distance of ~17 metres would be retained between the rear elevation of the extension and the side elevation of No.28. Due to the separation distance and existing boundary treatment in place, the proposed extension is considered to have an acceptable impact on the amenity of this neighbour.

31, Midway

This property is located west of the application property.

Given the setting and relationship between these two properties within the street scene and in turn, the extent of the separation distance between the proposed site of development and this neighbouring property (~22 metres), it is concluded that no detrimental overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

38, Midway

This property is opposite the application property.

The proposed development would see an increase in the extent of glazing facing this neighbour, and a minimum separation distance of ~14 metres would be retained between the front elevation of No.30 and the front elevation of No.38. This would meet the recommended separation distance of 12 metres between windows of habitable rooms and non-habitable rooms as set out in KDP3 of the Council's adopted SPD, therefore it can be concluded that no undue impacts of overshadowing/ overbearing / overlooking will occur as a result of the development.

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 not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. The proposal does not propose any changes highway access, therefore it is 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:

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:

None received

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: 2024/93286

Officer Recommendation: Approve

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, LP35 & LP57 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. The materials of construction of the development hereby approved shall be in accordance with those set out within submitted drawing titled 'Scheme as proposed' ref (0-)02 and completed prior to the development being brought into use.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 & LP35 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Survey	(0-)01	-	18/11/2024
Scheme As Proposed	(0-)02	-	18/11/2024

Plan Type	Reference	Version	Date Received
Design, Access and Heritage Statement (dated 13 th Nov 2024)	-	-	18/11/2024
Application form	-	-	20/11/2024
Climate Change Statement	-	-	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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

10/01/2025

Low coal