

**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:	2024/62/93291/W
Site Address:	26, Malvern Road, Primrose Hill, Huddersfield, HD4 6DA
Description:	Erection of two storey side extension, front and rear dormers
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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Jan-2025

The Site

26, Malvern Road is an end terraced property located within an area without notation on the Kirklees Local Plan. The property is positioned fronting Malvern Road with an access track running down the side of the property leading to the rear of the properties on Orchard Terrace. Construction materials for the property are a stone frontage to the ground floor with render above and the side and rear elevation materials are red brick at ground floor with render above. Due to topography, the property sits on a higher ground level than the neighbouring property No. 24 and lower than the adjacent property No. 28. The surrounding area is predominantly residential.

The Proposal

The applicant is seeking planning permission for erection of two storey side extension, front and rear dormers.

Two-storey side extension

The proposed two-storey extension is proposed on the side/north east facing elevation. The approximate measurements of the two-storey side extension are as follows:

- 1.5 metre width
- 6.5 metre depth
- 6 metre eave height
- 8.3 metre ridge height

The construction materials would be stone and render to match the host, and the roof would be infilled with grey tiles to match those used on the original house.

Front and rear dormers

A small dormer is proposed to the front roof slope. This measures 2.3 metres in width, 2.3 metres in height and 3 metres in depth. The front dormer is designed with a pitched roof, and one window is proposed to the front elevation.

The rear dormer is larger in scale, measuring 4.6 metres in width, 2.5 metres in height and 3 metres in depth. The rear dormer is designed with a flat roof with two windows proposed to the rear elevation.

The proposed development would take the total number of bedrooms on site from 3 to 5.

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:-

2003/90787 ERECTION OF SINGLE STOREY EXTENSION

Conditional full permission

24, Malvern Road

Demolition of side porch and erection of two storey side extension, front and rear dormer extensions and alterations

Conditional full permission

1, Orchard Terrace

Erection of single storey rear and two storey side extensions and front and rear dormers

Conditional full permission

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: 31st 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
- LP53 Contaminated and unstable land

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 5.19 of the House Extensions and Alterations SPD sets out that two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. It goes on, at paragraph 5.20, to state that two-storey side extensions should:

5.20 Two-storey side extensions should:

- *not take up all or most of the space to the side of a house;*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house.*

The proposed two-storey side extension would appear a subservient addition to the host property. It is located to the side with limited width and projection, is set ~0.4 metres back from the front wall of the house and is set down from the front roof slope. The extension would take up most of the space to the side of the property, however the proposal would not reduce the level of amenity space currently available to the front and rear of the property, and therefore it is not considered that the works would result in an overdevelopment of the site. In

addition, there is an unadopted road to the side of the property which would separate the development from neighbouring property No.24, Malvern Road, therefore it is not considered that a terracing effect would occur. The application form states that the proposals would be constructed from matching materials and due to the differing materials of the front and side and rear elevations; these can be conditioned to match.

Front and rear dormers

Also of relevance to the consideration of the application are paragraphs 5.24, 5.25 and 5.26 of the House Extensions & Alterations SPD.

Paragraph 5.27 provides the following guidance for dormer extensions:

5.27 Dormer windows should:

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane;*
and
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

Front dormer:

The front dormer would be small in scale and designed with a pitched roof to match the design of the host property. The dormer proposed would be similar in appearance to the one on 24 Malvern Road. This has not been constructed in accordance with the amended plans received and as such is afforded little weight in considering the proposed development. There are few front dormers in the vicinity. Taking into account the increase in scale of the roof it is considered, on balance, that the dormer as submitted can be supported. It would be set within the confines of the front roof slope, ensuring it would not dominate the roof as extended. It is proposed to the centre of the roof plane.

The proposed materials for the front and rear dormers have not been provided within the information submitted. Therefore, in order to be consistent with surrounding development within the local area, a condition should be attached

to the decision notice confirming that the dormer should be constructed from vertically hung tiles in order to ensure visual amenity is protected.

Rear dormer

The rear dormer is much larger than the front dormer and is designed with a flat roof which does not relate well to the appearance of the existing roof. The rear dormer would cover most of the rear roof slope, however, Permitted Development Rights are still intact for the property and therefore weight is afforded to some form of rear dormer that could be constructed without the requirement of planning permission. This is a material consideration and is afforded weight in this case. The materials are not specified and therefore a condition will be attached to the decision notice to confirm the materials have an acceptable impact upon visual amenity.

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 No.'s 24 & 28, Malvern Road.

24, Malvern Road – located north-east of the application site. This property also benefits from a two-storey side and front and rear dormer extension (2021/91203)

These two properties are separated by a distance of ~6.5 metres and an access track. While the two-storey extension would bring some bulking and massing closer to No.24, there are no windows proposed to the side elevation that could overlook this neighbour. During a site visit, it was observed that this property has two windows facing the application site, and according to the floor plans available on the Council's website, these windows appear to serve non-habitable spaces – a WC and a hallway. Therefore, any potential overbearing or overshadowing impacts caused by the development would not result in a detrimental impact on the living conditions within this dwelling.

Both the front and rear dormers are set within the roof slope and therefore there would be no significant harm from overlooking over and above the existing relationships of the rear elevation openings.

28, Malvern Road – adjoins the application property

The two-storey side extension is proposed to the other side of the application property and the dormers are set within the roof slopes of the host property. The rear dormers would result in 2 additional windows to the rear, however given the existing relationship and the potential for a dormer of similar proportions to be constructed under PD, the development would not cause harm to overbearing / overlook or overshadowing.

The closest property to the rear is 1, Orchard Terrace, situated ~20 metres from the application property. This is a sufficient distance to mitigate any detriment to the amenity of occupiers at No.1.

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 intensify the domestic use of the property, taking the total number of bedrooms on site from 3 to 5. The Council's SPD recommends for a dwelling of 4+ bedrooms to provide 3 off-street parking spaces. The existing property does not appear to benefit from any off-street parking, however there is on-street parking available, and Malvern Road operates permit parking only bays. Due to the proximity of the property to the Town Centre, there are good transport links from Newsome Road. As the property is within a sustainable location, it is considered that the short fall in parking is acceptable in this instance.

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.

Impact on land stability

Policy LP53 of the Kirklees Local Plan and paragraphs 187 and 196 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 187 and 196 of the National Planning Policy Framework

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: 2024/93291

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).

1. 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

2. The external walling forming the front elevation of the two-storey side extension hereby approved shall be faced in stone at ground floor and render at first floor which in all respects matches those used in the construction of the existing building and thereafter be retained.

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.

3. The external walls forming the side and rear elevations of the two-storey extension hereby approved shall be faced in brick at ground floor and render at first floor which in all respects matches those used in the construction of the existing building and thereafter be retained.

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.

4. The roofing materials of the two-storey side extension hereby approved shall in all respects match those used in the construction of the existing building.

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.

5. The face and cheeks of the dormers hereby approved shall be faced in vertically hung tiles which shall in all respects match those used in the construction of the existing building. The dormer shall thereafter be retained with this finish.

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 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
Block and Location Plan	-	-	25/11/2024
Elevations	-	-	25/11/2024
Proposals (front, rear and side elevations)	-	-	25/11/2024
Application form	-	-	25/11/2024
Climate Change Statement	-	-	25/11/2024

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:

15/01/2025

Coal – high

