

**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:	2024/62/93295/W
Site Address:	865, Manchester Road, Linthwaite, Huddersfield, HD7 5NE
Description:	Demolition of existing garage and erection of single storey side extension
Recommending Officer:	Molly Storer

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 31-Jan-2025

Officer Report

Site Description.

The application site relates to 865 Manchester Road, a residential, semi-detached property located in the area of Linthwaite.

The stone constructed dwelling has two storeys and is accessed via the driveway which slopes upwards towards the house. The property also benefits from garden amenity space to the front and rear. To the side/rear of the property there is an existing garage and outbuilding (labeled as WC on drawing number 2024/054/03). These can be seen on historic 1955 plans of the area suggesting these are original elements of the house.

The site is partially located within the Linthwaite Conservation Area and within the Green Belt on the Kirklees Local Plan and is in an area with a known presence of bats.

Description of Proposal.

Planning permission is sought for the demolition of existing garage and erection of single storey side extension.

The extension will be 5.5 metres in length by 4.4 metres wide and will be set back from the main north elevation by 5.4 metres. The external walling will have an outer leaf of natural local stone to match that on the existing dwelling and a dual pitched roof, surfaced in artificial stone slates. There will be 2 roof lights on both the north and south elevations and the overall ridge height of the extension will be 4.8 metres. Features which are prominent on the host dwelling such as water tabling's and gutter corbels are to be incorporated onto the extension.

This will replace an existing (original) garage which has a footprint of 3.1m x 6.5m.

History of Negotiations.

No negotiations have taken place, and no amended plans have been sought or submitted.

Relevant Planning History.

The following planning history is considered relevant:

- 2013/93152 - Certificate of Lawfulness for existing single storey rear extension – Granted.

The heritage statement submitted states that there was a single storey kitchen extension added to the rear of the property in the 1980's. It is understood that

the Certificate of Lawfulness granted in 2013 was either to rebuild this structure or didn't get completed.

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, press advert and a site notice, due to being located partially within a conservation area.

Final publicity date expired 13th January 2025 – No representations were received.

Consultation Responses.

No consultations were deemed necessary.

POLICY

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).

The application site is designated conservation area in the Kirklees Local Plan and also falls within an area with a known presence of bats. The site is also allocated as Green Belt on the adopted Kirklees Local Plan.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP30** – Biodiversity
- **LP35** – Historic Environment
- **LP51** – Air Quality
- **LP 57** – The extension, alteration or replacement of existing buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, together with Circulars, Parliamentary Statements and associated technical guidance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 13** – Protecting the Green Belt
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 16** – Conserving and enhancing the historic environment

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (SPD) 2021

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- Planning (Listed Buildings & Conservation Areas) Act (1990).

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity (including historic environment)
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Green Belt

The general principle of extending and making alterations to a property are assessed against Policies LP1, LP2 & LP24 of the Local Plan and Chapter 12 of the NPPF regarding design. These require, in general balanced

considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Local Plan Policy LP57.
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to very special circumstances to outweigh the harm to the Green Belt.

Is the development inappropriate in the 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'. These are set out within paragraphs 154 and 155 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 a number of exceptions to being considered inappropriate development are listed, one of the exceptions is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

Policy LP57 continues that 'in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative effect of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building....'. It also goes on to say that the proposal should not result in a greater impact on openness in terms of the treatment of outdoors areas, including hard standing, curtilages and means of access.

In terms of this particular application, the agent provided details on the existing and proposed volumes to assess whether the cumulative impact of the extensions would be disproportionate to the original dwelling. The total existing volume of the dwelling is 983m³ (this includes the out toilet and garage which are considered to be original elements of the house as seen on historical mapping).

The proposed volume for the current proposal and other extensions (including the rear kitchen extension) equates to 130m³ – this represents a 13.2% increase. Due to this relatively limited volume increase (in conjunction with

other consented development) and that the extension is largely on the same footprint as the existing garage , it is considered the cumulative impact of the proposed development would not result in disproportionate additions to the original dwelling and would not have a negative impact on the openness of the Green Belt meaning it would comply with policy LP57 of the local plan and would be acceptable when assessed against this Policy and Chapter 13 of the NPPF.

Within the SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These polies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within the following report.

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 extending the existing dwelling is considered to be acceptable and shall be assessed against the applicable material planning considerations within the following report.

1) Impact on Visual Amenity

The site is located within the Linthwaite Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 states that:

“Development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. In cases likely to result in

substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

With regards to the SPD, the single storey side extension would not extend more than two thirds the width of the original house. The proposed extension would be set back 5.4m from the main north elevation. It would have a height of 4.6m (0.6m more than is recommended in the SPD) however, due to being significantly set back from the highway behind the front drive and further set back from the front elevation, it is considered that there would be no significant visual improvement by reducing the height by a 0.6m. Furthermore, it is also noted the proposed roof creates a roof form with a gable element to match that of the existing house. The extension would also utilise construction materials of natural stone and tiles to match that of the existing property.

Therefore, due to these reasons and its positioning, ~13m from the highway, it is concluded that the proposed extension would have limited additional impacts to visual amenity than the existing. It is also considered that due to the above reasons the proposed works would not affect the setting of the Conservation Area to any significant degree that is greater than that of the host property and the development would therefore the proposal is considered to preserve the character of Linthwaite Conservation Area.

Therefore, the single storey side extension is concluded to be in accordance with the requirements of policies LP1, LP2, LP24 & LP35 of the Kirklees Local Plan, principles 1 & 2 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 and 16 of the National Planning Policy Framework.

2) Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan and advice within 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, 5 and 6 of the Council's adopted House Extensions & Alterations SPD require that development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Sunnydale has two neighbours; 863 Manchester Road to the east and 867 Manchester Road to the west.

Impact on No. 867 Manchester Road

This neighbour is located to the west.

With regards to the side extension, this will be constructed to the east of the application site and will therefore be screened by the applicant property so there will be no significant overbearing or overshadowing impact. No additional windows will face in the direction of this property so there will also be no significant impact to privacy or resultant impact in terms of overbearing, overshadowing or oppressiveness of the development.

Impact on 863 Manchester Road

This neighbour is located to the east.

There will no additional glazing within the east elevation facing in the direction of this property therefore privacy will not be affected. In terms of being overbearing or overshadowing it is considered that although the extension will create additional massing closer to the boundary, this will not cause any significant additional impact than the existing garage which is currently built along the boundary. Instead, the extension will maintain a separation distance to the boundary wall of 1m meaning the side extension is not considered to cause significant harm to the amenity of this neighbour in this regard.

The proposal is therefore concluded to accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan, the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policy within chapter 12 of the National Planning Policy Framework.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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.

Although the proposed development will include one additional bedroom and remove the garage, it is considered that the garage would not be of an adequate size to fit a modern car. In addition, there remains a large driveway to the front of the property and dedicated on street parking to accommodate enough parking for the site. Due to this and access to and from the adjoining highway not being impacted, the proposal is considered to be acceptable from a highway safety perspective.

It is also considered that waste storage and collection arrangement would likely remain as is as a result of the proposal, in compliance with Principle 16 of the House Extensions and Alterations SPD.

In turn, erecting the proposed outbuilding at Sunnydale would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principles 15 and 16 of the House Extensions and Alterations SPD.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change, over and above that in the submitted Climate Change Statement.

Biodiversity-

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

5) Representations

No representations were received.

6) 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: 2024/93295

Officer Recommendation: Approve

Conditions and Reasons:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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: In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24, LP35 & LP57 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12, 13, 14 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the side extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.

Reason: In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24, LP35 & LP57 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapter 12 and 16 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.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP01	-	19/11/2024
Block plan	BP01		19/11/2024
Proposed and existing plans	24-054-03	-	19/11/2024
Conservation/heritage statement	-	-	26/11/2024
Climate change statement	-	-	19/11/2024
Application form	-	-	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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 31st January 2025