

**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:	<b>2024/62/93321/E</b>
Site Address:	5, Gunthwaite Lane, Upper Denby, Huddersfield, HD8 8UL
Description:	Demolition of conservatory, erection of single storey extension to rear and formation of driveway and dropped kerb
Recommending Officer:	Faiza Bano

**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: 18-Mar-2025**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2024/93321
<b>Location</b>	5, Gunthwaite Lane, Upper Denby, Huddersfield, HD8 8UL
<b>Proposal</b>	Demolition of conservatory, erection of single storey extension to rear and formation of driveway and dropped kerb
<b>Publicity end date</b>	31 <sup>st</sup> January 2025
<b>Number of representations received</b>	None.
<b>Kirklees Local Plan Allocation/Designation</b>	DEVELOPMENT_HIGH_RISK_AREA, Twite Buffer, LP Green Space - Strategic Green Infrastructure Network, opposite conservation area
<b>Extension to Time (EoT)</b>	<b>YES</b> <b>Date:</b> 07/02/2025
<b>Recommendation</b>	Conditional Full Permission

	<b>NO</b>	<b>YES</b>
<b>Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)</b>	✓	
<b>Contrary to previous decision</b>	✓	
<b>Called in by Ward Member</b>	✓	
<b>Significant number of representations received</b>	✓	

### If 'No' to all above, proceed with a fast track report

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 16 – Conserving and enhancing the historic 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 28** - Drainage
- **LP30** - Biodiversity
- **LP35** - Heritage
- **LP 51** – Protection and improvement of air quality

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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	No	Requested extension to time
Parish/Town Council comments sought  Denby Dale Parish Council	Yes	Denby Dale Parish Council – No objections
Planning History	No	N/A
Consultations required	No	KC Highways (informal) – no objections. Conditions (drainage) and footnotes included below.

### **Assessment**

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.2 on page 23 (and listed below) and if they do not, they need to be justified:

<b>Rear Extensions Should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
respect the original house and garden in terms of its size and scale	Yes – the extension does not cover more than half of the total area around the original house. The proposed extension replaces the existing conservatory and projects out by approximately 5.6m. The proposed development would have an eaves height of 3m, which is acceptable due to the detached nature of the dwelling. Ample garden space will be retained to the rear of the house.	
use appropriate materials which match or are similar	Yes - to match existing	

in appearance to the original house; and		
not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.	The proposed extension will not overshadow neighbouring properties. Due to the detached nature to the site and modest scale of the proposed extension, there will be no impact on the loss of outlook of neighbouring properties.	

### **Dropped Kerb**

The application also seeks permission to extend the dropped kerb to provide additional in curtilage parking. Not a classified road, so no off road turning required.

Over a grass verge – need to do the work in a section 184 agreement (on Kirklees website)

The proposal would essentially maintain the existing visual impact of the site, particularly regarding the hard-surfaced front amenity space. The removal of the front boundary wall and the creation of a dropped curb are not considered to have a significant or out-of-character visual impact within the street due to the presence of other open access and driveways. There is already an interruption to the walling and pattern.

A condition to ensure satisfactory drainage and surfacing is imposed to avoid any detriment to highway safety in accordance with Local Plan Policy LP21, LP22 and LP28.

**Design and Visual Amenity:** Are the considerations in the following table acceptable?

#### *Summary of local street scene/character:*

The site to which the application site relates to is number 5 Gunthwaite Lane. The property is a two-storey detached dwelling constructed from red brick and roofed with concrete tiles. The property benefits from a garden to the front, side and rear, with an accessible driveway to the front. The property is situated within a residential area and the street scene encompasses several dwellings of a similar appearance and scale.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	The extension is generally modest in scale, the proposed development would not appear overly prominent. The proposed development would be located to the rear of the property and will not negatively impact the character or street scene across the frontage of the property.	✓
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>The original property would remain the dominant feature.</p> <p>Dropped kerb - The proposed alteration will have no significant effect on the original property. The impact will be limited to the front amenity space, which is currently entirely hard standing.</p>	✓
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	As above. The extension would project across the rear of the property. The proposed development consists of a single-storey and a two-storey extension to the rear.	✓
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>Facing materials to match existing.</p> <p>Dropped kerb - Given the variety of materials used at the front of neighbouring properties within the street scene,</p>	✓

		and considering the existing visual impact of the host property being hard surfaced, the front amenity space is deemed acceptable.	
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Pitched roof style to extensions. All roof styles are acceptable as they are in-keeping with the original roof style of the host property and/or match the character of the street scene.	✓
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Modest size windows, including roof lights, in extensions, which would be in-keeping with existing building.	✓
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>Private domestic extension which would provide easy access into the main house.</p> <p>Dropped kerb - The current accessibility to the property will be retained, with enhanced access provided by the removal of the wall and the dropping of the kerb. As this is a private property, no alternate access arrangements are required.</p>	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

#### **Heritage:**

The site lies adjacent to Upper Denby Conservation Area and is visible as part of the associated street scene. Boundary treatment and site frontages make important contributions to the character of an area and the removal of the wall and introduction of a new access and driveway will have an impact. Due to the existing breaks within the stretch of wall and other accesses the works will not appear out of character with the area and will therefore have a neutral

impact on the heritage asset in accordance with Policy LP35 of the Local Plan and Chapter 16 of the NPPF.

**Residential Amenity:**

*The main properties affected are:*

- 5a Gunthwaite Lane is located to the south of the site, adequate distance is maintained to the development and due to the relationship, the works will not result in a loss of privacy for the occupants. The formation of the drive is not considered to result in any detrimental impact to the occupants. Shrubbery screening is shown to provide screening.
- 3 Gunthwaite Lane – the layout of existing development mitigates impact from the proposed works and is considered to not reduce the amenity of the occupants due to the scale, design and layout.
- 37 Pinfold Lane - The proposed rear extension does not surpass the building line of the rear elevation of this property and the single storey extension meets the 45 degree rule. As such no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact. There are no new openings that would result in a loss of privacy to the neighbouring occupants.
- 33 Pinfold Lane – This property is located to the rear of the site, due to the relationship of the dwellings no material issues would arise from overlooking, overshadowing/loss of light or overbearing impact. There would be no loss of privacy as a result of any new openings.
- There are properties to the rear, however, the proposed extension is the set back from the boundary and it will not impact the properties behind.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Acceptable for the reasons set out above.	✓
Impact on light and outlook of	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> </ul>	As above.	✓

neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>		
Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Adequate space is maintained.	✓

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:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Parking is predominantly provided on-street and in curtilage, which remains acceptable due to the location of this property and the neighbouring houses – off the main through-fare. The property also provides additional access and driveway big enough to fit a car after the construction of the proposed extension.	✓
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Maintains appropriate access and off-street in-curtilage parking.	✓
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> </ul>	None shown on plans however, there is sufficient space within the red line boundary to allow	✓

	<ul style="list-style-type: none"> <li>Chapter 12 of the NPPF</li> </ul>	for storage on site. Condition not considered necessary.	
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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:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>KDP 13 of the SPD</li> <li>Policy LP24 Design (d) (i) (iv) Policy LP33 Trees</li> <li>Chapter 12 of the NPPF</li> </ul>	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> <li>KDP 12 of the SPD</li> <li>Policy LP30</li> <li>Chapter 15 of the NPPF</li> </ul>	N/A	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>Policy LP51</li> <li>Chapter 14 of the NPPF</li> </ul>	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	<ul style="list-style-type: none"> <li>KDP 14 of the SPD</li> <li>Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	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.	✓



Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. 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.

**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. Prior to being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (**parking areas**)' published 13<sup>th</sup> May 2009 (ISBN 9781409804864) as amended or superseded.

**Reason:** In the interest of satisfactory drainage and highway safety in accordance with Policy LP28, LP21 and LP22 of the Kirklees Local Plan.

**NOTE:** The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Grouped Plans and Elevations	Proposed Plans & Elevations 24:11:7423:03 Rev B		28-Nov-2024
Grouped Plans and Elevations	Plans & Elevations As Existing 7423-02		28-Nov-2024
General	Climate Change Statement		28-Nov-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:** 04/02/2025