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:	**2024/62/93349/E**
Site Address:	17, Rectory Lane, Emley, Huddersfield, HD8 9RR
Description:	Removal of existing conservatory and erection of single storey front extension with enlarged gable elevation and associated external alterations
Recommending Officer:	Faiza Bano

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: 04-Feb-2025

Officer Report

Site Description

The site to which this application relates to is 17, Rectory Lane, Emley, Huddersfield, a detached bungalow, constructed from natural stone and render and roofed with concrete tiles. The property is set back from the street and benefits from large amenity areas surrounding the property and a large driveway to the front. The site boundary is screened by large hedges, walls and metal fences.

Description of Proposal

The application has been received for the erection of an infill extension across the front elevation, a single storey rear extension, a first-floor extension and external alterations. The proposal would be constructed from materials that match the existing dwellinghouse and house windows looking to various amenity areas of the dwelling. The measurements of the scheme are as follows:

Single Storey Front Extension

The infill extension across the front of the property would project out by approximately two metres, to be inline with the side building line of the original dwelling. The materials used to construct the extension will match the existing materials.

Single Storey Rear Extension

The single storey rear extension will be replacing the existing conservatory. The proposed extension would feature a pitched roof, with two rooflights, and would project out approximately 2.2 metres from the principal wall of the rear elevation. The extension would feature a width of approximately 4.3 metres, an eaves height 2.1 metres of and an overall height of 3.9 metres.

First Floor Extension with an Enlarged Gable Elevation

The proposed first floor extension would span across the length of the house (approximately 12 metres) and will have a width of 6.7 metres. The proposed first floor extension will form an enlarged gable end elevation along the front and rear and will be constructed from materials to match the existing dwelling. The first-floor level would feature 3 bedrooms and a bathroom, along with an en-suite for one of the bedrooms. The extension would have an eaves height of 4.7 metres and an overall height of 6.7 metres and the pitched roof would feature three roof lights.

External Alterations

The external alteration along the elevations of the dwelling are as follows:

- The window of the bedroom along the front elevation is to be centred with the infill extension to form part of the proposed living room.
- The window of the existing bathroom along the side elevation is to be blocked up.
- The double door of the existing study is to be replaced by a window.
- The windows and door of existing dining room are to be replaced by a double door
- The proposed rear extension is to have a new northeast facing double door opening.
- The first-floor extension proposes a total of four new window openings – two along the front elevation and two along the rear elevation.

History of Negotiations

No amendments were sought or received during the consideration of the application.

Relevant Planning History

Planning Ref: 2001/93518
Location: 17 RECTORY LANE, EMLEY, HUDDERSFIELD, HD8 9RR.
Proposal: ERECTION OF GARAGE AND UTILITY EXTENSIONS
Decision code: FC
Decision: FC - CONDITIONAL FULL PERMISSION
Decision Date: 2002-01-22

Planning Ref: 2018/90249
Location: 17, Rectory Lane, Emley, Huddersfield, HD8 9RR
Proposal: Erection of single storey front extension
Decision code: FC
Decision: FC - CONDITIONAL FULL PERMISSION
Decision Date: 2018-03-14

Representations

The application was advertised by neighbour notification letters, which expired on the 27th of December 2024. As a result of the above publicity, no representations were received.

Denby Dale Parish Council – No objections.

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 site is UNALLOCATED, but falls within a low-risk coal area, an LB Airport Consult - Area 1 and shows a Bat Alert on the Kirklees Local Plan Proposals Map.

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 22** - Parking
- **LP 24** – Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in the approach and outcomes relating to house extensions.

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, 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 12** – Achieving Well-Designed Places

Assessment

The following matters are considered in the assessment below:

1. Principle of development
1. Impact on visual amenity
2. Impact on residential amenity
3. Impact on highway safety
4. Representations
5. Other matters
6. Conditions
7. Conclusion

Principal of Development

The site is without notation on the Kirklees Local plan. When considering development proposals, policy LP1 of the KLP states that, 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. Key Design Policy 17 of the House Extensions and Alterations SPD states that extensions and alterations to existing houses should consider how the needs of a range of different users can be met in facilitating access and movement. 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 is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on 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.

Assessment

Single Storey Front Extension

The infill extension and external alterations pertain to the front elevation of the dwelling. It is noted that there is a large hedge along the front boundary of the application site, however, given that this can be trimmed at any point, it is important to mention that the extension and fenestrations would be visible from the street, if the hedge wasn't there. The infill will be constructed from material to match the existing dwelling and will form part of the base of the first-floor extension above minimising any adverse impact. Whilst front extensions are in general terms permitted if they are minimal in scale, the street characteristics and spacious nature of the plot allow for a larger extension whilst still respecting the visual amenity of the area.

Single storey Rear Extension

Paragraph 5.1 of the House Extensions & Alterations SPD states that *"Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended."* and *"…is usually unacceptable where the roof pitches and heights in the street scene are consistent."*

The rear extension is modest in terms of projection and is single storey and therefore, the scale is acceptable. The proposed materials are to match the existing dwelling, and the proposed roof form is pitched. The rear extension is therefore considered acceptable.

First Floor Extension with an Enlarged Gable Elevation

Paragraph 5.7 of the House Extensions & Alterations SPD states that *"Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene."*

The addition of a first floor would see an increase in bulk and massing at the application site. However, this would not lead to overdevelopment due to the site's location and detached nature.

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.

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.

There are no properties to the rear of the application site.

15 Rectory Lane – The subject property is a neighbouring detached bungalow, with the applicant's site set back from the front building line of this property. The proposed rear extension, which replaces the existing conservatory, is limited in size and is expected to have minimal impact on the neighbouring property. It is designed to avoid any significant overlooking, overshadowing, or overbearing effects.
Additionally, the infill and first-floor extension are situated on the opposite side of the host property from number 15. Consequently, these extensions will not result in any overlooking, overshadowing, or overbearing impacts on number 15.

19 Rectory Lane – This property is also a neighbouring detached bungalow, with the applicant's site set well back from both the front and rear building lines of this property. The proposed rear and infill extensions will have no impact on this property. However, the first-floor extensions will result in an increase in bulk and massing. Given that the applicant's property is significantly set back from the rear building line of number 19, the first-floor extension will have little to no impact on this property.

The fenestrations for habitable rooms face the front and rear amenity spaces of the applicant's site, with no windows facing the rear amenity area of number 19. The extension includes rooflights, which are for non-habitable rooms and are therefore considered acceptable. In terms of loss of light and overshadowing, there will be minimal impact on number 19 due to the orientation of the row of bungalows in relation to the sun path.

22 Grange Drive – This property is situated opposite the application site. Due to number 22's different orientation, its side elevation faces the applicant's site. There is a substantial separation distance between the front elevation of number 17 and the side elevation of number 22. Consequently, it is determined that there would be minimal impact on number 22.

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.

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 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 proposals will increase the number of bedrooms from 3 to 5, resulting in some intensification of domestic use. However, the property has a front parking area large enough to accommodate more than three cars. Therefore, it is determined that the property has sufficient parking.

Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other Matters

Carbon Budget

On the 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 predates 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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken constitutes 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: 2024/93349
Officer Recommendation: Approval

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2516-D-20-001 Location Plan		26-Nov-2024
Grouped Plans and Elevations	2516-D-20-002 Existing and Proposed Site Plans		26-Nov-2024
Existing Elevations	2516-D-20-006 Existing Elevations		26-Nov-2024
Existing Floor Plans	2516-D-20-003 Existing Ground Floor Plan		26-Nov-2024
Proposed Elevations	2516-D-20-007 Proposed Elevations		26-Nov-2024
Proposed Floor Plans	2516-D-20-004 Proposed Ground Floor Plan		26-Nov-2024
Proposed Floor Plans	2516-D-20-005 Proposed First Floor Plan		26-Nov-2024
General	Climate Change Statement		26-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 Planning 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. As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 31st January 2025