# 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: | **2024/62/93396/E** |
| Site Address: | 102, East View, Town Moor Lane, Thurstonland, Huddersfield, HD4 6XF |
| Description: | Erection of two storey rear extension and front porch, with associated internal and external alterations (within a Conservation Area) |
| 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: 17-Feb-2025**

## OFFICER REPORT

### Site Description

The site in which the application relates to is 102, East View, Town Moor Lane, Thurstonland, an end terrace dwelling constructed from natural stone and roofed with slate tiles.

The site has previously been granted permission for the erection of a two-storey rear extension at the application site.

The dwelling is set back from the street scene and the area is low density with few residential properties within the vicinity. Surrounding the site is open land to the north/northwest and south, with residential dwellings to the northeast and southwest. The site is located in the green belt and in the Thurstonland Conservation Area.

### Description of Proposal

This application has been received for the erection of a two-storey rear extension and front porch, with associated internal and external alterations. The measurements of the scheme are as follows:

*Front Porch Extension*

The proposed front porch extension would feature a pitched roof and would be constructed from materials matching the existing materials of the dwelling, with a depth of 1.5m, a width of 2.2m, and an eaves height of 2.3m and an overall height of 3.1m.

*Two-Storey Extension*

The proposed two storey extension would feature a lean to roof and would be constructed from materials matching the existing materials of the dwelling, with a depth of 3m, a width of 3.6m, and an eaves height of 2.5m.

*External Alterations*

The external alterations of the scheme are described as follows:

- Removal of door that provided entry for the existing kitchen along the side elevation (within the extension part not the original building)
- Rear elevation:
    - Windows in the exiting extension to be replaced by glazing systems along ground and first floor level
    - Addition of Juliette balcony at first floor level

- Two obscured windows at first floor level
- Obscured door at ground floor level

**Relevant Planning History**

**Planning Ref:** 2019/91094
**Location:** East View, 102, Town Moor Lane, Thurstonland, Huddersfield, HD4 6XF
**Proposal:** Erection of two storey rear extension (within a Conservation Area)
**Decision code:** FC
**Decision:** FC - CONDITIONAL FULL PERMISSION
**Decision Date:** 2019-05-31

**Planning Ref:** 2003/93035
**Location:** 104, EAST VIEW, THURSTONLAND, HUDDERSFIELD.
**Proposal:** ERECTION OF TWO STOREY EXTENSION (WITHIN A CONSERVATION AREA)
**Decision code:** FC
**Decision:** FC - CONDITIONAL FULL PERMISSION
**Decision Date:** 2003-09-25

**Representations**

The application was advertised by neighbour notification letters, and a site notice which expired on 31/12/2024.

No representations were received as a result of site publicity.

**Consultation Responses**

KC Conservation and Design (informal) – 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 located within the Green Belt and a Conservation Area on the Kirklees Local Plan.

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
- **LP35** - Heritage
- **LP52**- Protection and improvement of local air quality
- **LP53**- Contaminated and unstable land
- **LP57**- Extension, alteration or replacement of existing buildings

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 both 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, and 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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and costal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

**Assessment**

The following matters are considered in the assessment below –

1) Principle of development
    1) Impact on openness of Green Belt and visual amenity
    1) Impact on residential amenity
    2) Impact on highway safety
    3) Other matters
    4) Representations
    5) Negotiations
    6) Conditions
    7) Conclusion

<u>1 – Principle of development</u>:

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.

Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or it's setting the Local Planning Authority should shave special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This is reiterated within Policy LP35 of the Local Plan. In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

The application site is located within a Conservation Area and on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the erection of a porch and two-storey rear extension, which includes the removal of the existing single storey rear section to the dwelling.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An 'original building' is defined in the NPPF glossary as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally".

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should 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 the design and materials used should be sensitive to the character of the Green Belt setting.

*Background*

This application appears to be a similar resubmission of application reference 2019/91094. The time for the initial consent has lapsed and officers believe that the two dwellings were converted to one between the time of approval for that application and present day. The approval of that application was determined by the small scale of the rear extension and the acceptable impact on residential and visual amenity.

Prior to converting 102 and 104 East View into one dwelling, permission was granted for application reference 2003/93035 at 104 East View for the erection of a two-storey rear extension.

The application will be assessed having regard to Policy LP57 and NPPF chapter 13. In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and representations received.

2 –Impact on openness of the Green Belt and visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states 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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state 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 details.

As previously highlighted, the site currently benefits from previous permissions on site which have been constructed. From viewing historical maps of the site, and the GA drawings from the previous planning application, it is determined that the rear single storey section is a part of the existing dwelling. The historical maps and GA drawings from previous applications also suggest that the current site comprises of two dwellings (102 and 104 East View) that have been converted into one.

The Planning Practice Guidance (PPG) sets out that “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”.

In this case, whilst the extension would be located to the front and of the dwelling, the impact of the proposal by virtue of the introduction of additional volume to the dwelling must be considered.

The proposal would be single storey in nature at the front, two-storey at the rear and constructed from materials that match the existing dwelling. In this particular case, the footprint of the dwelling would be increased at ground floor level by 9.9m$^2$ and 6.6m$^2$ at first floor level at the rear.

The proposed balcony will be positioned along the existing two storey extension. The rear boundary of the application site is open and looks onto open land. The balcony will not be disproportionate to the site and neighbouring areas and is sited away from areas that are sensitive to additional noise levels or disruption. The balcony is located to the rear of the property overlooking the rear garden.

Whilst the extensions would enlarge the dwelling, it is considered that they would not amount to a significant increase in volume; nor would they result in a disproportionate addition to the original dwelling. The two-storey rear extension is designed to see the removal of the existing store/utility and given permission has previously been granted for a similar extension to the site, there is no reasonable grounds for refusal for this application.

In terms of impact on the local character and street scene, balconies can be seen as a feature of the locality and therefore this would not significantly affect the local character of the area. Due to the small scale of the balcony, it would be subservient to the original house. The additional opening to the rear is also not considered to have any significant negative impact to the original house. The Juliette balcony would span across the rear of the property and the scale and massing is limited.

It is considered that this proposal would be acceptable in the context of the original host dwelling and would not amount to disproportionate additions.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) states 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. Furthermore, Key Design Principle 2 of the HESPD goes onto state 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 details.

Having taken the above into account, the proposed extensions 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. In addition, the proposal is considered to have an acceptable impact on the openness of the Green Belt.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

*Impact on 100 East View: Adjoins the application site to the northwest.*

Overlooking: The proposal would feature openings that face the amenity areas of the application site, privacy would be retained between the properties so as not to result in overlooking. Due the linear form of the application site and a 3m distance between the side porch window, concerns regarding overlooking to the front amenity area of number 100 are considered minimal.

Overshadowing/loss of light/overbearing: consideration has been given to the impact of overshadowing and overbearing as a result of the two-storey rear extension. Given the modest scale, when taken in view of what has previously been granted permission, the proposed extensions are considered acceptable as there will be no direct relationship with habitable rooms and openings; the relationship will be similar that which already exists (previously constructed extension at 104). The orientation of the dwellings ensures that the sun paths are not obstructed, and therefore no significant issues would arise regarding overshadowing/loss of light/overbearing.

The extension would not cover the entire amenity space of the application property. It is considered that the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

In summary, due to the location of the existing dwelling and the scale of the proposed extension, there would be no significant harm to the residential amenity of neighbouring residents as a result of the proposal, in accordance with Policy LP24 of the KLP and the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, due to the proposal not impacting existing parking arrangements on site, the proposal 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 and Alterations SPD.

5– Other matters:

*Carbon Budget*

The proposal is a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

As such the application is considered to comply with guidance within Policy LP 52 of the KLP and Chapter 15 of the NPPF

6– Representations:

No representations received.

7– Negotiations:

N/A

8 – Conclusion:

This application for the erection of a front porch and two-storey rear extension at 102, East View, Town Moor Lane, Thurstonland, Huddersfield, HD4 6XF has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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. As set out above, 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**: 2024/93396
**Officer Recommendation**: APPROVE **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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

2. The external facing 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 to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

| **Plan Type** | **Reference** | **Date Received** |
|---|---|---|
| Location Plan | (EX)002 | 13-Dec-2024 |
| Proposed Site / Block Layout | (20)002 | 13-Dec-2024 |
| Grouped Plans and Elevations | (20)002 - Site Plans | 13-Dec-2024 |
| Grouped Plans and Elevations | (EX)001 - EXISTING | 13-Dec-2024 |
| Grouped Plans and Elevations | (20)001 - PROPOSED | 13-Dec-2024 |
| Conservation/Heritage Assessment | - | 13-Dec-2024 |
| Climate Change Statement | CCS | 13-Dec-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.

No amendments were requested in this instance.

**Report Date: 14/02/2025**