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:	**2024/62/93421/E**
Site Address:	91, Marsh Lane, Shepley, Huddersfield, HD8 8AP
Description:	Erection of first floor extension and associated alterations
Recommending Officer:	Elenya Jackson

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.

John Holmes

AUTHORISED OFFICER

Date: 11-Feb-2025

OFFICER REPORT

Site Description

91, Marsh Lane, Shepley, Huddersfield, HD8 8AP is a detached bungalow which currently benefits from private amenity space to the rear, a driveway and is set back from the roadside by a reasonable amount of amenity space. The immediate street scene is not uniform in appearance, as there are a mix of detached, terrace and two storey properties in the vicinity However, properties are largely constructed out of natural materials such as stone which creates cohesion in the street scene. there is a slight variation in uses as there is a pub within the street scene and a mortgage broker.
The site is opposite Shepley Conservation Area.

Description of Proposal

This application has been received for the following ‘Erection of first floor extension
and associated alterations.

The proposal would feature an increase in height to the dwelling to create a first floor. The first floor would increase the eaves of the property to 2.4m from 3.9m and the maximum height from 4.7m to 6.2m. The design of the roof would remain the same with a front, side and rear facing gable.

The proposal would also re build a wall around the existing garage.

The proposal would amend the materials of the dwelling to a grey rendered finish.

Relevant Planning History

2019/91915: Demolition of existing garage utility/store, erection of single storey extension and detached garage. Conditional Full Permission.

2019/93387: Demolition of existing garage utility/store, erection of single storey extension and detached garage. Refused.

Representations

The application was advertised by neighbour letters, which expired on 29/01/2025.

The site is located across from the boundary of Shepley Conservation area, the proposal has not been advertised as impacting the setting of a Conservation Area in this instance as it was not deemed necessary.

One comment was received in response to the neighbour letters which raised the following concerns:

- Overlooking from roof lights in the western elevation.

Consultation Responses

N/A

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.

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
- **LP51**- Protection and improvement of local air quality
- **LP52**- Contaminated and unstable land

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 14 – Meeting the challenge of climate, flooding and costal change
- Chapter 15 – Conserving and enhancing the natural environment

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) Other matters
5) Representations
6) Negotiations
7) Conditions
8) Conclusion

<u>1 – Principle of development</u>:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. 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.

The site is opposite Shepley Conservation Area.

These issues along with other policy considerations will be addressed below.

<u>2 –Impact on visual amenity</u>:

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.

It is considered that the House Extension and Alterations SPD is relevant in this instance as the proposal would be an extension within a residential curtilage.

Key Design Principle 1 of the House Extension & Alterations 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 House Extension & Alterations SPD 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.

Section 5.2 of the Kirklees House Extensions and Alterations SPD states that front extensions have the potential to be particularly intrusive within the street scene and will not normally be permitted due to their impact on the character of the area and visual amenity. Section 5.4 of the Kirklees House Extensions and Alterations SPD states that roof extensions should reflect the character of the area, the surrounding buildings and the age/appearance of the existing house.

The design of the proposal would enable the creation of an additional floor to the property.

Paragraph 5.32 states that increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually unacceptable where the roof pitches and heights in the street scene are consistent.

Officers consider that there is not a consistent roof line within the street scene as properties are a mix of single and two storey dwellings. The dwelling would retain its existing roof design and have an increase in maximum height of 1.5m, it is considered that the scale of the extensions would not be inappropriate in this context.

The proposed materials are written on the plans and state that where there is existing red brick and proposed additional masonry, this would be finished with a grey render.

Officers initially had concerns regarding the extent of the render on the property when coupled with the increase in height of the dwelling, as the

character of the area is largely natural stone and the property is across from a Conservation Area.

Officers note there are examples of render in the Conservation Area and street scene. Therefore, render is considered acceptable in this instance. However, officers consider that the render should be off white in colour to be more in-keeping with the setting of the dwelling. A condition will be added to ensure this is the case.

Subject to condition it is considered that the proposal would not affect the setting of the Conservation Area and would accord with Policy 24 of the Kirklees Local Plan in terms of the character of the host property and the criteria of the House Extension SPD, particularly KDP 1 & 2 in terms of the character of the area and the impact on the house.

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.

93 Marsh Lane: adjoins the application site to the south- west.
Overlooking: The proposal would not feature any directly side facing windows. The proposal would have a gable end on the south-western elevation with no first floor windows and roof lights in the rear and front elevation. Due to the roof lights facing into the rear garden of the property and the street scene, they would not have a direct relationship with no.93; therefore, no is it considered no significant issues would be raised regarding overlooking.
Overshadowing/loss of light/overbearing: The proposal would not extend the dwelling any closer to no.93 or its private amenity space. Although the host dwelling would feature an increase in height, it is considered that the separation distance when coupled with the orientation would limit any significant concerns regarding overshadowing/loss of light/overbearing.

Officers consider that no other properties would be impacted by the proposal.

Whilst properties to the north east of the site are in proximity, given the siting of the dwellings in relation to one another it is considered the impact as a result of overlooking would not be significant given the angle between the properties in relation to visibility from openings.

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, 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.

6 – Representations:

One representation has been received which raised the following concerns:

Overlooking:
Officer response: The proposal would not feature any directly side facing windows. The proposal would have a gable end on the south-western elevation with no first-floor windows and roof lights in the rear and front elevation. Due to the roof lights facing into the rear garden of the property and the street scene, they would not have a direct relationship with no.93; therefore, no significant issues would be raised regarding overlooking which are considered to be of such an impact that refusal of permission could be substantiated on such a basis.

7 – Negotiations:

N/A

8 – Conclusion:

This application for the erection of Erection of Erection of first floor extension and associated alteration 91, Marsh Lane, Shepley, Huddersfield, HD8 8AP 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: 2024/93421
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.

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: 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, LP3, LP11, LP21, LP22, LP24, LP30, LP33, LP52 and LP57 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Notwithstanding the approved plans, the proposed render shall be finished in an off white colour and thereafter retained.
Reason: To ensure that the proposal integrates with the wider street scene and character of the area in accordance with Policies LP24 and LP 35 of the Kirklees Local Plan and the aims 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.

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**	**Revision**	**Date Received**
Location Plan	01		17/12/2024
Proposed site and block plan	05		17/12/2024
Proposed elevations	07c		17/12/2024
Roof plans	06a		17/12/2024
Existing site plan	02		17/12/2024
Existing elevations	04		17/12/2024
Existing roof plans	03		17/12/2024

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 alterations requested during the application.