

**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:	2024/62/93536/E
Site Address:	Homelea, The Knowle, Shepley, Huddersfield, HD8 8EA
Description:	Alterations to convert integral garage into living space, erection of attached garage and formation of new driveway access
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Apr-2025

Officer Report

Homelea, The Knowle, Shepley, Huddersfield, HD8 8EA

Site Description

The application site relates to Homelea, The Knowle, Shepley, Huddersfield, HD8 8EA; a detached bungalow faced in stone and concrete tiles for the roof. The property benefits from an integral garage, with parking spaces to the side, and gardens surrounding the property.

The property is set back from the road, the area is low density as it is opposite the green belt and the street scene is made up of residential properties of similar character and materials.

Description of Proposal

The proposed development seeks alterations to convert an internal garage, to extend living accommodation, the erection of front and rear facing dormers, the erection of a single storey side extension for a new garage and to create a new driveway access. The application also sees the removal of the front conservatory.

The application proposes:

- To replace the garage door with a new large window, to match the existing dwelling
- Replacing existing window and door with bifold doors along the rear elevation.
- New front and rear facing dormers to the existing roof, constructed from materials to match the existing dwelling
- A new side extension beneath the patio for a new garage, constructed from materials to match the existing dwelling
- New driveway access and driveway
- To close off the existing access with a new stone wall
- Erect a new stone wall to retain the existing garden
- Removal of existing conservatory

History of Negotiations

None

Relevant Planning History

Planning Ref: 2004/92761

Location: HOLMLEA, THE KNOWLE, SHEPLEY, HUDDERSFIELD, HD8 8EA.

Proposal: ERECTION OF CONSERVATORY

Decision code: RF

Decision: RF - REFUSED

Decision Date: 2004-08-16

Planning Ref: 2006/92290

Location: HOLMLEA, THE KNOWLE, SHEPLEY, HUDDERSFIELD, HD8 8EA

Proposal: ERECTION OF CONSERVATORY

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2006-07-17

Representations

The application was advertised by neighbour notification letters, which expired on the 3rd of February 2025. As a result of the above publicity, one representation was received and is as follows:

Cllr John Taylor - The planning application was reviewed with no objections to the creation of a new garage or the conversion of the existing garage. However, concerns were raised regarding the proposed new access adjacent to a planned footpath entrance for a Vivly Living development, part of the second phase of Tenter Hill Gardens. This footpath is intended to connect residents to popular walking routes. Potential visibility issues and risks for pedestrians were highlighted due to the narrow, bending road without pavements. It is hoped that the new access will not be permitted due to these safety concerns.

Consultations

KC Highways Development Management – The application involves converting an integral garage to living space, erecting a detached garage, and forming a new driveway and vehicular access from The Knowle, a narrow rural access road with no footways or street lighting. The road serves field accesses to the north and has permission for a residential development to the west, which includes a 3m footpath link.

Due to the road's narrow width and lack of paved surfacing, vehicular flows are expected to be minimal. The new access will be located approximately 16m northwest of its current position, serving the proposed double garage and driveway, allowing for on-site vehicle turning for highway safety. The new access will need to be done within a s184 agreement with the council.

The proposed location of the access provides suitable visibility splays in both directions. Concerns about potential conflicts with the pedestrian/cyclist access from the residential development were addressed, with the two access points being approximately 30m apart and having suitable visibility. The

application is considered acceptable on highways grounds, with conditions listed under the 'Conditions and Reasons' section.

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 within a high-risk coal area, and shows a bat alert twice buffer on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **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 and Beautiful Places

Assessment

The following matters are considered in the assessment below:

1. Principle of development

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

Principle 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

The proposed alterations involve converting an internal garage into extended living accommodation, erecting front and rear-facing dormers, constructing a single-storey side extension for a new garage, and creating a new driveway access. These changes will be visually acceptable, provided that the construction materials match those of the existing dwelling, as specified in the application and submitted drawings.

Specific Elements of the Proposal:

Proposed Garage: The new garage will introduce a significant amount of walling, which could potentially impact the character of the dwelling and the street scene. However, given that the materials and design are consistent with the existing structure, the visual impact is mitigated. The garage is designed to blend seamlessly with the existing architecture, ensuring it does not dominate the appearance of the property.

Dormers: The front and rear-facing dormers are proportionate to the roof and not overly large, maintaining their subservience to the original building. These dormers are designed to enhance the aesthetic appeal of the property without negatively impacting the visual amenity.

Side Extension: The single-storey side extension for the new garage is designed to complement the existing building. It does not appear as an incongruous addition but rather as a harmonious part of the overall structure.

Site Context: It is essential to consider the broader context of the site. The proposed developments respect the character of the surrounding area and do not detract from the overall street scene. The scale and design of the extensions are in keeping with neighbouring properties, maintaining the visual harmony of the area.

Assessment Against Policy LP24 and Relevant Design Principles:

Policy LP24 (Design) of the Council's adopted Local Plan:

- **Form, Scale, Layout, and Details:** The proposed alterations respect and enhance the character of the townscape by ensuring the form, scale, layout, and details are consistent with the existing dwelling. The garage, dormers, and side extension are designed to blend seamlessly with the existing architecture, maintaining visual harmony.
- **Subservience to Original Building:** The dormers and side extension are proportionate and subservient to the original building, ensuring they do not dominate the appearance of the property.

- **Impact on Residential Amenity:** The proposed alterations minimise the impact on the residential amenity of future and neighbouring occupiers by maintaining privacy, avoiding overshadowing, and preventing an oppressive or overbearing effect.

Key Design Principles of the House Extensions & Alterations SPD:

- **Principles 1 and 2:** The development is subservient to the host property and in keeping with the character of the locality. The design and materials used for the garage, dormers, and side extension ensure they complement the existing dwelling and surrounding area.

Principle 7: The proposal ensures an appropriately sized and usable area of private outdoor space is retained, maintaining the functionality and aesthetic appeal of the property.

Given the above, the proposals would not cause any significant harm to the appearance of the local street scene. It is therefore considered that in terms of visual amenity, the proposals would comply with Policy LP24 of the Kirklees Local Plan, the Key Design Principles 1 and 2 in the House Extensions and Alterations SPD, and advice within 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.

Assessment

The proposed alterations involve converting an internal garage into extended living accommodation, erecting front and rear-facing dormers, constructing a single-storey side extension for a new garage, and creating a new driveway access. These changes will have minimal impact on the residential amenity of the host dwelling or neighbouring occupiers. The proposed front and rear-facing dormer windows will face directly towards the front and rear amenity areas of the application site and will not overlook any neighbouring properties.

Potential Impact on Future Occupants of the Approved Development to the North:

Proximity to Boundary - The proposal will bring development closer to the boundary with the approved development to the north of the site. Given the site context, it is considered that the proposal would not negatively impact the residential amenity of future occupants of the neighbouring development.

Assessment Against Policy LP24 and Relevant Design Principles:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework:

- **Amenity of Neighbouring Occupiers:** The proposed alterations ensure an acceptable impact on the amenity of neighbouring occupiers. The dormer windows are positioned to avoid overlooking neighbouring properties, maintaining privacy.
- **Privacy:** The design adheres to Key Design Principle 3 by preventing direct lines of sight into neighbouring properties, thus protecting privacy.
- **Overshadowing:** Given the site context and positioning in relation to neighbouring properties, it is considered the extensions are designed to minimise overshadowing, complying with Key Design Principle 4. The positioning and scale of the extensions ensure adequate light remains available to adjacent dwellings.
- **Overbearing:** The scale and massing of the extensions are proportionate and designed to avoid creating an overbearing effect on neighbouring properties, in line with Key Design Principle 5.
- **Residential Amenity:** The alterations are designed to minimise impact on the residential amenity of future and neighbouring occupiers, ensuring compliance with Key Design Principle 6.

It is therefore considered that in terms of residential amenity, the proposed development 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.

Assessment

The application site has a private gated driveway where 'in-curtilage' parking is available. The current proposals include converting an integral garage to living space, erecting a detached garage, and forming a new driveway and vehicular access from The Knowle. However, the application does not

propose to add any additional bedrooms to the site and, therefore, will not significantly increase the demand for additional parking spaces.

KC Highways Development Management Comments:

Road Characteristics - The Knowle is a 30mph two-way single carriageway rural access road, approximately 2.5 meters in width, with no footways or street lighting present. The road is paved adjacent to the dwelling but transitions to an unmade path to the north of the site. North of the proposal site, the road serves only field accesses. However, the land to the west of The Knowle has permission for a residential development (24/90991), which includes a 3-meter footpath link between the residential development and The Knowle.

Traffic Flow - Due to its narrow width and lack of paved surfacing, vehicular flows along The Knowle are expected to be minimal, primarily serving the dwellings or field access. Although there is a through route between A629 and the site, it is not expected to be attractive to users, with a more suitable alternative route available from Abbey Road South, which is also used by HGV traffic accessing Eastfield and Victoria Mills.

Public Transport - There are bus stops on a medium frequency route within 300 meters of the site.

New Access - The new access will be located approximately 16 meters to the northwest of its current location and will serve the proposed double garage and driveway, allowing for on-site vehicle turning so cars can enter and exit the site in forward gear for highway safety reasons. The new access will need to be constructed under a Section 184 agreement with the Council.

Visibility and Safety - The proposed new location of the access is on the apex of a bend on The Knowle and would provide suitable visibility splays in both directions. The residential development to the west of The Knowle (approval 24/90991) includes a 3-meter footpath/cycleway linking the development to The Knowle. Concerns were raised that this pedestrian/cyclist access would conflict with the proposed new vehicular access. However, the two access points will be approximately 30 meters apart, and suitable visibility between the two is available, so this is not viewed as a highway safety concern. The new 3-meter residential development access is expected to generate an increase in pedestrian/cyclist use on The Knowle. However, the current application would not generate any additional vehicular traffic on The Knowle.

In this case, it would be considered that in terms of access and highway safety and parking, the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the 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.

Assessment

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.

Biodiversity

With regards to Key Design Principle 12 - Natural Environment. Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Assessment

The site falls within a Bat Alert and Twite buffer at or neighbouring the site and given the modest scale of the proposed development, it is considered that enhancement of the natural environment is not required in this instance.

There are no other matters for consideration.

Representations

Cllr John Taylor - The planning application was reviewed with no objections to the creation of a new garage or the conversion of the existing garage. However, concerns were raised regarding the proposed new access adjacent to a planned footpath entrance for a Vivly Living development, part of the second phase of Tenter Hill Gardens. This footpath is intended to connect residents to popular walking routes. Potential visibility issues and risks for pedestrians were highlighted due to the narrow, bending road without

pavements. It is hoped that the new access will not be permitted due to these safety concerns.

Officer Response:

This comment has been addressed under the 'Impact on Highways Safety' section of the report.

Negotiations

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

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:
2024/93536

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.

2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

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.

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:-

Plan Type	Reference	Version	Date Received
Proposed Site / Block Layout	1499-P2-002		23-Dec-2024
Location Plan	1499-LP		23-Dec-2024
Proposed Elevation	1499-P2-201 - South West and South East -1		23-Dec-2024
Proposed Elevation	1499-P2-202 - North East and North West - 2		23-Dec-2024
Existing Elevations	1499-EX-201		23-Dec-2024
Proposed Floor Plans	1499-P2-102 - Lower Ground Floor and Roof		23-Dec-2024
Proposed Floor Plans	1499-P2-101 - Ground Floor		23-Dec-2024
Existing Floor Plans	1499-EX-101		23-Dec-2024
Existing Site / Block Layout	1499-P2-001 – Proposed		23-Dec-2024
Location Plan	-		23-Dec-2024
General	CCS		23-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. As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated:

17th April 2025