

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:	2024/62/93554/W
Site Address:	5, Norcross Avenue, Oakes, Huddersfield, HD3 4FP
Description:	Erection of two storey side and rear extension
Recommending Officer:	Molly Storer

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: 10-Mar-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/93554
Location	5, Norcross Avenue, Oakes, Huddersfield, HD3 4FP
Proposal	Erection of a two storey side and rear extension.
Publicity end date	14 th February 2025
Number of representations received	One – see representations section.
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan
Extension to Time (EoT)	Yes EoT Date: 20 th February 2025
Recommendation	Conditional Full Permission

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

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 15 – Conserving and enhancing the natural 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 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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	The agent was contacted with regard to the original scheme as it was considered that although the scheme appeared to overcome the 2nd reason for refusal on previous application number 2024/92432 it still did not overcome the second reason for refusal. This was because the two storey rear extension was still built up to the boundary with No.7 as with the original scheme. The rear element on this shared boundary remained the same as that which was refused in 2024. It was considered that this would still lead to an unacceptable loss of light, causing a significant level of overshadowing. It was also considered that this would be overbearing and oppressive to No.7. It was suggested that the first floor element should be reduced and pulled in from the boundary. The agent submitted amended plans with an annotated 45-degree line. These will be assessed in the following report to understand if these overcome the previous reasons for refusal.
Parish/Town Council comments sought	No	

Planning History	Yes	2024/92432 - Erection of two storey side and rear extensions – Refused. Reasons for refusal: <i>‘1. The proposed development by reason of the proximity to the adjoining dwelling (No.7 Norcross Avenue) to the south east would lead to an unacceptable loss of light, causing a significant level of overshadowing, and would be unduly overbearing and oppressive, having a harmful impact upon the outlook of this property. This would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council’s adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.’</i> <i>‘2. The proposed development by reason of the proximity to No.3 Norcross Avenue to the north west would lead to an unacceptable loss of privacy and light, causing a significant level of overshadowing, and would be unduly overbearing and oppressive, having a harmful impact upon the outlook of this property. This would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council’s adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.’</i> The current application is a resubmission of this previously approved scheme. The following report will assess whether these reasons have been overcome.
Consultations required	No	

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Assessment

The application is for the erection of a two storey side and rear extensions. The plans show that the rear extension would project 3m at a two storey height and will be separated by a metre to the boundary with No.7. At a single storey height the extension would project a further metre and would be set along the boundary with No.7 for 3m and be set off the boundary by 1m for the last metre.

The two-storey rear element would have a width of 5.5m and would wrap around the side of the property, whereby the side extension would project 1.4m from the northeast (side) elevation. This side element would have a full length of 7m with 3.3m of this being at a two-storey height and the rest being at a single storey height.

The two-storey element would have a height to the eaves of 5.3m and an overall height of 6.6m with a hipped roof design. The single storey rear element would have a height to the eaves of 2.3m and an overall height of 3m with a lean to roof design. The single storey side element would be of a flat roof design which would have an overall height of 3m.

The Kirklees SPD sets out that rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes – COMPLY</u>	<u>No – JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes – there is a large garden area to the front and rear more than half of this will be retained as amenity space. Usable private amenity space would be provided.	
Be set behind the original building, and not projecting beyond the sides	Yes – both the rear and side element of the proposal will be set back by at least 5.2m from the front elevation.	No – the rear element will project beyond the side of the property by 1.4m. However, on balance this is considered acceptable due to the 1m separation distance to the boundary being maintained and due to the limited projection to the side.

Maintain external access to the rear garden	Yes – the plans show that external access will be maintained.	
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The Kirklees SPD sets out that two storey rear extensions should comply with certain parameters set out at paragraphs 5.1, 5.2 and 5.8 on pages 23 and 25 (and listed below) and if they do not, they need to be justified:

Two storey rear extensions should:		
be proportionate to the size of the original house and garden	Due to the large plot, sufficient outdoor amenity space would be retained.	
not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)	The proposed extension would not exceed 50% of the total area of the land around the original house.	
not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties	Yes – the two storey element will project 3m from the original rear wall.	
not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary		The height of the eaves will exceed 3m and will be built up to the boundary with No.7 at a ground floor level. However, this is considered acceptable in this instance due to the single storey rear element built up to the boundary having an eaves height of 3m and where it exceeds 3m it will be set off the boundary by 1m. The two storey side element will have a limited length of 3.3m and the rest of the side element

		within 1m of the boundary is at a single storey height. On balance this is considered acceptable.
be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		No however there is space around the first-floor elements of the extension which will ensure the development is not immediately adjacent to the boundary.
not adversely affect habitable room windows where they adjoin a neighbour's boundary	The plans show that the extension will be set off the boundary therefore limiting any impact on windows in the neighbouring property.	

The Kirklees SPD sets out that side extensions should comply with certain parameters set out at paragraphs 5.15, 5.16 and 5.17 on page 28 (and listed below) and if they do not, they need to be justified.

Side extensions	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – the plans show that there will be a separation distance of 1m to the side boundary and that part of the side element has been reduced to single storey (amended from that previously refused). It is considered due to these factors reasonable levels of light will be maintained to No.3.	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes- although there will be some additional glazing in the side elevation this will be limited. This will be in the form of a single window which will face onto a blank wall. It is	

	also noted glazing which currently directly faces a habitable window at No.3 will be removed and replaced with a blank wall in this position, improving privacy.	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house	Yes – the extension is set in from the side boundary of the property	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	Yes – a 1m separation distance will be maintained.	
be set back at least 500mm from the front wall of the house	Yes – the extension is set back from the front elevation of the property by more than 500mm	

Design and Visual Amenity:

The site relates to 5 Norcross Avenue, a two storey semi-detached property in the area of Oaks, Huddersfield. The house is set slightly up from the roadside accessed via the driveway to the front which slopes upwards towards the property. The site benefits from garden amenity space to the front and rear and a driveway to the side which leads to a detached garage. There appears to be an existing rear extension which runs the width of the property.

The application site is located within a predominantly residential area, whereby the neighbouring dwellings are of a similar design and form. However, located to the southwest (front) of the property there is a large industrial building.

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

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extension will be set back from the front elevation of the property by 5.4m and the property itself is well set back from the highway. it is also noted that the majority of the extension will be located to the rear of the property therefore it is considered that the extensions will not impact the local character of the area.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	Considered to be acceptable on the basis of being set back from the front elevation and being set in from the adjacent boundary in addition to being constructed from matching materials.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The extensions will both be set down from the existing roof ridge and set in from the front elevation and the rear extension at a first storey level will set away from the boundary. The extensions have roof forms to harmonise with the original dwelling which means that in terms of height, scale and massing the extension would be subservient to the original house and the wider street scene.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The walls and roof are proposed match those of the existing property. Condition recommended to ensure the materials match those of the host property.	✓

Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Hipped roof design for the two storey elements will match that of the host. The single story side element will have a flat roof design and the single storey rear element will have a lean-to design. These are considered acceptable as they will reduce the massing and allow more light to neighbouring properties.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	In the rear elevation there will be new bifolding doors at the ground floor level and two double panel windows at the first floor level. In the side elevation there will be a single window at the ground floor level. These are considered acceptable.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no alterations to general access arrangement. External access to the rear of the property will remain.	✓

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

Residential Amenity:

The main properties affected are:

- 7 Norcross Avenue – property located to the southeast.
- 3 Norcross Avenue – property located to the northwest.

The rear element was previously refused on application number 2024/92432 for reason:

1. *The proposed development by reason of the proximity to the adjoining dwelling (No.7 Norcross Avenue) to the southeast would lead to an*

unacceptable loss of light, causing a significant level of overshadowing, and would be unduly overbearing and oppressive, having a harmful impact upon the outlook of this property. This would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.'

The scheme proposed in this application showed the first-floor element of the rear extension built on the boundary with No.7 whereas the amended plans for this application show the first floor element to be set off the boundary by 1m. The agent was contacted to show the 45-degree line from the extension to the nearest habitable room window at number 7 as the SPD states 'When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property.'

Submitted plans from the agent showed that the extension would have an effect on the 45-degree angle by 20cm to the neighbouring habitable room window and regard has to be had for this relationship. It is considered, on balance, that although the 45-degree angle is slightly impinged, due to the orientation of the properties as well as the extension being located to the north of No.7 the sun path is such that more light will be available to No.7. With regards to outlook this is an improved scheme than the refused scheme as space is afforded. Furthermore, there have been no objections received from number 7 in respect of the impact of the extension on their window therefore, given this and that the 45 degree line is only marginally cut in this isolated case this is considered acceptable.

This is considered to overcome the previous reason for refusal as it is now considered that No.7 will receive acceptable levels of light, and the extension will not be unduly overbearing or oppressive.

The side element was previously refused on application number 2024/92432 for reason:

'2. The proposed development by reason of the proximity to No.3 Norcross Avenue to the northwest would lead to an unacceptable loss of privacy and light, causing a significant level of overshadowing, and would be unduly overbearing and oppressive, having a harmful impact upon the outlook of this property. This would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.'

The scheme proposed in this application showed multiple additional windows proposed to the side elevation facing number 3 in both the ground and first

floor. It also showed a two-storey element with a length of 6.7m at a separation distance of 0.75m. The plans for the current application show the majority of these windows to be removed and only a single window included to the side elevation which will be positioned to face onto a blank section of the neighbouring wall. It is also noted glazing which currently directly faces a habitable window at No.3 will be removed and replaced with a blank wall in this position, improving privacy. With regard to the length – part of the side extension has been reduced to single storey and the two storey element will have a length of only 3.3m and the separation distance has been increased to 1m. This is considered to overcome the previous reason for refusal as it is now considered that the extension will not be unduly overbearing and oppressive and would maintain a reasonable level of light to No.3.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There will be no additional openings facing No.7. There will be a single window facing No.3 however this will be positioned to face onto a blank section of the neighbouring wall. It is also noted glazing which currently directly faces a habitable window at No.3 will be removed and replaced with a blank wall in this position, improving privacy	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above. Separation distances and a reduction of massing near the side boundaries from that previously refused will result in acceptable levels of light and outlook from neighbouring properties.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c)	Acceptable level of remaining garden space.	✓

	Chapter 12 of the NPPF		
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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:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	N/A	N/A
Parking provision	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	The plans show that the side extension would block access to the rear garage and some of the driveway would be used for the side extension. However, it is considered that there will still remain adequate parking space for 2 modern sized cars. Although this falls short of off-street parking provision there is a significant amount of on street parking available on Norcross Avenue Road which is considered to be sufficient.	✓
Provision for waste storage	- KDP 16 of the SPD - Policy LP24 Design (d) (iv) - Chapter 12 of the NPPF	None shown on plan however sufficient space within site boundary.	✓

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:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	N/A	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	While it is within a bat alert layer, the small scale alteration to the host would not have significant impacts to roosting potential. It is recommended that a bat informative be attached to notify the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	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	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓
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The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Objection – • Scale of the extension is excessive for the footprint of the house. • Plans would impact the light to kitchen and bedroom at number 3. • The property shares a driveway and would limit access to the driveway and garage.	It is considered that that the current proposal has overcome the previous reasons for refusal on the 2024/92432. The current plans show the footprint and scale to be reduced. Furthermore the impact to No.3 has been significantly reduced – the changes and proposed impact are discussed in the residential amenity section. Access arrangements would not constitute a planning matter.	✓

Conclusion:

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.

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:

CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2024/93554

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted the external walls of the extensions and roofing materials of the side extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 9 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing floor plans	UD-579-01	-	17/12/2025
Existing elevations	UD-579-02	-	17/12/2025
Proposed floor plans	UD-579-01	a	10/02/2025
Proposed elevations	UD-579-02	a	10/02/2025
Application form	-	-	17/12/2025
Climate change statement	-	-	17/12/2025

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. The agent was contacted and it was suggested that the first floor element should be reduced and pulled in from the boundary to reduce impact on the neighbouring property. The agent submitted amended plans and these were assessed and were considered to overcome the previous reasons for refusal.

Report Dated: 20/02/2025