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:	**2025/62/90208/W**
Site Address:	1, Spinkfield Road, Birkby, Huddersfield, HD2 2AY
Description:	Erection of single storey extension to rear (within a Conservation Area)
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: 24-Mar-2025

Officer Report

Site Description

The application site relates to 1 Spinkfield Road, an end of terrace, two storey property in the area of Birkby. The property is set slightly up from the roadside accessed via steps to the front door. The site benefits from garden amenity space to the front which wraps around the side to the rear garden. There appears to be an existing rear extension which runs the width of the property however there also appears to be an original projection from the rear, towards the north of the house as this element is consistent with other properties on the terrace. The house also has Velux windows in the roof slope as the loft space is used for a bedroom.

The site is situated within Birkby Conservation Area and Edgerton Cemetery and war memorial is located to the south. The other surrounding developments is mostly residential dwellings with the closest Listed Building located 75m to the northwest.

Description of development

The application is for the erection of a single storey extension to rear (within a Conservation Area).

The single storey rear extension would measure:

- 7.1m in width
- 3.811m projection
- 2.5m to the eaves
- 3.5m overall height.

History of negotiations/amendments received

No negotiations have taken place as the plans are considered to overcome the original reasons for refusal.

Relevant Planning History

2024/91857 - Erection of single storey extension to rear and front and rear dormer windows (within a Conservation Area) – Refused.

Reason:

1. *By virtue of siting, scale and massing, the development is not a subservient addition and does not relate to the appearance of the host property having a harmful impact upon the visual amenities of the host property and wider locality as well as the character, appearance and setting of the Birkby Conservation Area. The development would result in substantial harm for which no public benefits have been demonstrated to outweigh the harm. The development is contrary to policies LP2, LP24 (a and c) and Policy LP35 of the Kirklees Local Plan, Key Design principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 and 16 of the National Planning Policy Framework.*

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 21st March 2025

Parish/ Town Council – not applicable

As a result of the public consultation period no representations were received.

Consultation Responses

None required.

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 the Birkby Conservation Area within the Kirklees Local Plan.

<u>Kirklees Local Plan:</u>

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping

- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and the Conservation Area
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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."

- Principle 2 – 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 detail."

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- 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 12: Natural environment
- 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

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact on visual amenity, Conservation Area and Listed Building:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act states In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act states In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is noted that the previous reason for refusal referred to the 'development' as a whole which included the now removed front and rear dormers and the negative impact these would have on visual amenities of the host property and wider locality as well as the character, appearance and setting of the Birkby Conservation Area. it is considered that the removal of the dormers significantly reduces the impact of the development.

Following the previous refusal the plans for the single storey rear element have been amended as follows:

- Reducing the projection from 4m to 3.811m.
- not extended beyond the existing historic 3.811m extension

With specific regard to the single storey rear extension section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Whilst the extension would broadly comply with the SPD in terms of not covering more than 50% of the land around the property and utilising matching materials it is considered that the development would not constitute permitted development. This is because Imagery dated 1955, 1956, 1968 & 1968 consistently indicates that there is a rearward projection which is original to the dwellinghouse meaning a rearward extension would extend beyond a wall forming a side elevation of the original dwellinghouse. Having regard to the Government's householder guide to permitted development rights (2019) and sub-paragraph A.1(j), Class A, Part 1 of Schedule 2 of the Town and Country Planning(General Permitted Development)(England) Order 2015 (as amended) development is not permitted under Class A where the proposed extension extends beyond a side elevation of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse. This means that an attached 3 metre extension would not be permitted under permitted development rights.

However, it is noted that there could be a PD fallback option of a 3m extension which retains a gap between the historic extension. It is considered that this would produce a visually harmful design to the rear of the property and the proposed design would instead allow for a cohesive and visually harmonious extension to the rear of the property.

The property is located on a corner plot with the front elevation facing onto Spinkfield Road and the south side elevation facing onto Blacker Road and can be seen from public vantage points outside of the curtilage of the dwelling. It is

noted that there is an existing rear extension tied into the building which has already altered the rear elevation and with it its impact on the wider area. The rear of the property has already been substantially changed at ground floor level much of which is screened by the existing boundary treatment to Blacker Road. The wall and fence mitigates the development proposed.

Upon any grant of approval a condition will be attached to ensure that materials match the host property to tie the extension in with the existing property and the wider locality. Furthermore, given that the extension will not project further than the existing already does (this will be removed and replaced with the extension, but currently projects 3.811m) it is considered that on balance the scheme has overcome the previous reason for refusal and now constitutes a design which is subservient and relates to the appearance of the host property as well as the character, appearance and setting of the Birkby Conservation Area.

In accordance with Chapter 16 of the NPPF paragraph 210: *In determining applications, local planning authorities should take account of:*
a) the desirability of sustaining and enhancing the significance of heritage assets
and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 states that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

In this case the development is considered to lead to a neutral impact to the setting of the conservation area due to the considerations set out above. As such there would be no harm whereby public benefit should be demonstrated (paragraph 215).

Furthermore, the removal of the existing extension will allow for a slight beneficial impact to the adjoining neighbour. The roof pitch and lower eaves height on the boundary with this neighbour will produce marginally less massing along the boundary due to the design of the lean-to leaning towards this house.

In conclusion, it is considered that the development has overcome previous reasons for refusal and the extension would not detrimentally impact on the heritage asset and accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

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.

Key design principle 5 states relates to overshadowing/loss of light stating that 'Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.' Key design principle 6 seeks to prevent an overbearing impact setting out that 'Extensions and alterations should not unduly reduce the outlook from a neighbouring property.'

In terms of residential amenity, openings are within the rear of the single storey rear extension. Whilst this does result in additional glazing to the rear elevation this is not considered to cause any further overlooking than the existing windows in this elevation. As there are no windows proposed within the side elevations of the extension it is considered that privacy to neighbouring properties would not be significantly impacted.

In terms of overbearing and overshadowing, it is noted that the extension would be built up to the boundary with No.3 Spinkfield Road. Whilst this may cause some level of shadowing it is considered this would not cause any significant further harm compared to the existing rear projection and is not considered to constitute an overbearing and an oppressive structure to such a degree as it could be concluded to detrimentally impact upon on the residential amenity of No.3 that refusal could be substantiated in this case. It is considered that in terms of residential amenity this would be of an improved design and would have a marginally less impact to this neighbour than the existing situation.

It is therefore considered that the development is acceptable in terms of residential amenity, having regard to the above policies.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be 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.

Although there is no off-street parking available on the site, it is considered that the nature of the street scene is on street parking and parking available for the property on the street is adequate.

It is not anticipated that the works would displace the storage of bins and there is adequate remaining amenity space for the storage of bins and is therefore compliant with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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. A Climate Change Statement has been submitted as part of this application

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the works being completed on site.

6 – Representations:

No representations have been received.

7 – 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: 2025/90208

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 and LP35 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 and 16 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**
Location plan		**-**	27/01/2025
Existing floor plans	RR/1000-0404	-	27/01/2025
Existing front and side elevations	RR/1000-01	-	27/01/2025
Existing side elevations	RR/1000-03	-	27/01/2025
Proposed ground and roof plans	RR/1000-0505	-	27/01/2025
Proposed side elevations	RR/1000-02021	-	27/01/2025
Proposed front side elevations	RR/1000-0202	-	27/01/2025
Application form	-	-	27/01/2025
Climate change statement	-	-	29/01/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 21/03/2025