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:	**2025/62/90825/W**
Site Address:	28, Le Marchant Avenue, Lindley, Huddersfield, HD3 3DF
Description:	Increase in eaves and roof height to extend living accommodation including associated works; erection of canopy porch and rear covered canopy; stone cladding to front gable; alterations to openings; formation of rear raised patio and erection of detached garage with workshop to rear and associated driveway to front, side and rear
Recommending Officer:	Joanna Rednall

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: 29-May-2025

The Site

28, Le Merchant Avenue relates to a detached bungalow located in Lindley, Huddersfield. The property is finished in natural stone below sill height, with a string course at sill level, with a rendered finish above, with a hipped roof incorporated above covered in clay tiles. To the front of the dwelling, there is a lawned garden and a driveway that leads to a detached garage at the rear. A larger lawned garden also extends beyond the rear of the dwelling.

The application site is situated within a predominantly residential area. Opposite the site, the streetscape is characterised mainly by two-storey semi-detached dwellings, while to the south, the surrounding built form consists primarily of detached bungalows.

The Proposal

The applicant is seeking planning permission for increase in eaves and roof height to extend living accommodation including associated works; erection of canopy porch and rear covered canopy; stone cladding to front gable; alterations to openings; formation of rear raised patio and erection of detached garage with workshop to rear and associated driveway to front, side and rear

Increase in eaves and roof height

The proposal seeks to raise the highest ridge height by approximately 0.9m, increase the front lower roof by approximately 0.7m, and the rear projection roof would increase by approximately 1.6m. The eaves would be raised around 0.7m from the existing eaves height.

The fenestration to the front would be altered to include a window at first-floor level within the end gable, creating a 1.5 storey appearance when viewed from Le Marchant Avenue. Both storeys of the front projecting gable would be finished in stone cladding with the side projection finished in natural stone below sill height, with a string course at sill level, with a rendered finish above to match the existing dwelling.

Erection of canopy porch and rear covered canopy

The front canopy porch projects approximately 1.3 metres from the front elevation, with a width of around 2.2 metres and a height of approximately 3.9 metres to the ridge of its gable roof. To the rear, a canopy is proposed along the south-facing elevation, projecting about 1.4 metres from the side elevation of the main dwelling. This rear canopy would be integrated beneath the gable of the host property.

Erection of detached garage with workshop

The existing single garage would be demolished and a new double garage with workshop is proposed to the rear curtilage of the dwellinghouse, measuring approximately 9.8m in width, 6.5m in depth, 2.4m at eave height and 5.5m to the ridge. One window is proposed to the north-facing elevation, as well as an integrated bat box above.

The existing driveway will be extended to connect the front driveway with the rear garage and workshop.

History of Negotiations

Officers contacted the applicant's agent to confirm the proposed render colour finish.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 17th May 2025

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

> *The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

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. 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 in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon 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.

Increase in eaves and roof height

Section 5.7 of the Council's adopted SPD relates to bungalows and first floor extensions to bungalows. Paragraph 5.31 sets out that *"careful consideration should be given to two-storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene."*

The proposal includes raising the main ridge height by approximately 0.9 metres, increasing the height of the front lower roof by around 0.7 metres, and raising the rear projection roof by approximately 1.6 metres. This would create a 1.5 storey appearance dwelling, providing first-floor accommodation within the roof slopes.

When considering the potential impact of the proposed development on the street scene and local character, a site visit confirmed a variety of dwelling types in the surrounding area, including both single-storey and two-storey properties. The application site is located at the end of a row comprising bungalows and 1.5-storey dwellings, some of which feature design elements such as front dormers. Notably, No. 18 includes a two-storey forward-projecting gable similar to the one proposed at No. 28.

Taking these contextual elements into account, officers consider that the proposed upward extension would not have a detrimental effect on the street scene. The presence of two-storey and 1.5-storey dwellings within the immediate row establishes a varied built form that supports the proposed scale. Furthermore, the applicant has submitted street scene elevations illustrating the development in relation to neighbouring properties, which demonstrate that the proposal would not appear disproportionate or incongruous within the existing context.

The proposed development introduces additional roof-level built form, including a modest upward extension. The highest point of the extension would rise no more than 1.6 metres above the existing ridge, ensuring the original structure remains proportionate and balanced. To maintain the character of the existing dwelling, the proposal incorporates materials that match or closely complement the original materials of the house.

The proposal also includes updated and additional fenestration details. The first floor would be served by several new windows to the front of the dwelling, and also rooflights to the north and south roof planes. These windows would appear proportionate and residential in style and would be in keeping with the design and character of the host property.

Erection of canopy porch and rear covered canopy

Section 5.2 of the Council's SPD relates to front extensions, with paragraph 5.13 setting out *"front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable."*

A canopy is proposed for the front elevation of 28 Le Marchant Avenue. Although canopies are not commonly found within the surrounding street scene, in this case the porch is set back approximately 9.5 metres from the pavement, which significantly reduces its visual impact and prominence. Its modest size and setback contribute to a subservient appearance that respects the proportions of the original house, ensuring the canopy does not unbalance or compete with the existing built form. The oak framing lends a lightweight appearance, ensuring the canopy does not appear overly dominant or intrusive structure to the front of the dwelling. A short stone wall provides a boundary treatment between the structure and the pavement, and the canopy's modest scale means it would have no adverse effect on neighbouring properties.

The rear covered canopy would be integrated beneath the raised gable of the dwelling and would be well screened from public view. Its scale is subservient to the main house, ensuring it does not compete with the original structure.

Due to these reasons, the proposed front and rear canopies are considered to have an acceptable visual impact.

Detached garage with workshop

Paragraph 5.30 of the Council's SPD sets out the following guidance for outbuildings:

5.30 Outbuildings should normally:

- *be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;*
- *be set back behind the building line of the original building so that they do not impact on the street scene; and*
- *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.*

The proposed garage would be clearly subordinate in footprint compared to the main dwelling. To accommodate the new outbuilding and driveway, the existing garage will be removed, ensuring that less than half of the garden space is affected by the development. This would preserve the majority of the outdoor area, maintaining the balance between the proposed built form and external amenity space.

In terms of scale, the garage is would reach a maximum height of approximately 5.5 metres, which is considerably lower than the overall height of the main house. This ensures that the garage remains proportionate and does not overpower or compete with the original dwelling. The garage is set well back from the roadside and is set behind the original building line, minimising any potential impacts on the wider street scene. Due to these reasons, it is considered that the proposed garage and workshop would have an acceptable impact on visual amenity and is in line with the guidance set out in the SPD.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – 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.
The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*
- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

<u>30, Le Merchant Avenue</u>

This property is two-storeys in height and neighbours the application site to the north and is set behind the application dwelling.

In terms of potential overshadowing impacts, the dwelling would only be extended upwards with no extension towards the shared boundary with No.30. The development would see the roof height raised by a maximum of ~1.6 metres, resulting in a total height of around 8 metres. However, the extension would maintain a separation distance of approximately 1.5 metres from the common boundary. Additionally, the dwelling itself would continue to benefit from a large separation distance of approximately 14 metres from the neighbouring property at No.30. This substantial spacing between the properties plays a significant role in mitigating any risk of detrimental overshadowing or an overbearing impacts resulting from the increased ridge height.

Given the orientation and positioning of the dwelling in relation to No.30, along with the height increase being relatively modest and set well within the existing building footprint, it is considered that the changes would not result in any significant loss of light or amenity to the neighbouring occupiers. The spatial relationship between the properties would be largely preserved, ensuring that the overall sense of openness and outlook remains intact.

With regard to the proposed detached garage, it would be positioned at a distance of approximately 6.5 metres from the common boundary, which ensures a substantial physical separation. Furthermore, the structure itself would have a relatively limited height of around 5.6 metres. This modest scale, when combined with its positioning away from the boundary, serves to further reduce any potential for the development to create adverse overshadowing or overbearing impacts on adjacent properties.

In terms of overlooking and the potential impact on neighbouring privacy, the proposed development includes the installation of several rooflights on the north-facing roof slope, which would face toward the front amenity space of No.30. The submitted floor plans indicate that the rooflights in question would serve a combination of rooms, including two bathrooms, an office, and a bedroom. Importantly, the rooflights serving the bedroom would function as secondary openings, with the primary outlook provided to the rear. The rooflights serving the bathrooms and office would be the only windows for these rooms. Moreover, due to the angled nature and elevated position of rooflights, they do not provide direct lines of sight into neighbouring amenity spaces in the same way as vertical windows might. Given that the rooflights would face toward the front garden of No.30, the impact is further reduced. Additionally, there is no direct window-to-window relationship between the proposed openings and any habitable room windows at No.30 that would result in a significant loss of privacy.

Taking all of these factors into account it is considered that the potential for overlooking or harm to privacy is not substantial. As such, officer consider it would be disproportionate and unnecessary to require these rooflights to be fitted with obscure glazing and conclude that the development would not result in any unacceptable loss of privacy for the occupants of No.30.

<u>26, Le Merchant Avenue</u>

This dwelling is located to the south of the application site and is also single storey in height.

With regard to potential overshadowing and overbearing effects, officers do not consider the modest increase in height to the main body of the application dwelling to be a cause for concern. The proposed increase is relatively minor in scale and the dwelling would continue to maintain a separation distance of approximately 3.5 metres from the shared boundary, which helps to preserve a sense of openness between properties. This, along with the minimal scale of the upward extension, ensures that the proposal would not result in an unacceptable sense of enclosure or loss of light to neighbouring properties.

The existing detached garage on site is proposed to be demolished and replaced with a larger structure located within the rear amenity space of No.28. While the replacement garage would represent an increase in size, it would be sited toward the rear of the plot and adjacent to the garden of No.26. Given its location and the single-storey nature of the structure, officers are satisfied that it would not give rise to any significant or harmful overshadowing or overbearing effects on the private outdoor space or living conditions of the neighbouring occupiers at No.26.

In terms of overlooking, the submitted plans indicate the introduction of new glazing to the south-facing elevation of the dwelling. At present, this elevation includes windows serving a hallway and a bedroom, which are largely screened from the neighbouring property at No.26 by the existing detached garage. However, with the demolition of the garage, there is potential for a clearer line of sight between the application property and No.26. The new openings would serve a hallway as well as an open-plan kitchen, dining, and living area. These windows and bi-folding doors would be set back approximately 10 metres from the common boundary with No.26 and around 11 metres from the side elevation of that property. This level of separation is considered to provide an adequate distance to preserve residential privacy.

During a site visit, officers observed that the side elevation of No.26 includes two windows facing toward No.28. However, these windows appear to be orientated toward the front of No.28 and do not directly align with the new openings. As a result, the potential for direct overlooking or loss of privacy is considered to be limited. Moreover, the proposed openings are at ground floor level, further reducing any potential for intrusive views into neighbouring living spaces, particularly given the presence of boundary treatments which offer a degree of screening.

Due to these reasons, the development is considered to have an acceptable impact on the amenity off occupiers of No.26.

14A Thornhill Road is located to the rear of the site approximately 42 metres away. Given the separation distance, the proposed development is not considered to harm the amenity of this dwelling.

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

4 – 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 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.

The proposed development would not result in an increase in the number of bedrooms on the site. The submitted plans demonstrate that the garage provides sufficient space to accommodate two vehicles, while the property also benefits from a large driveway at the front, offering additional parking spaces. In light of this, the proposed parking arrangements are considered acceptable.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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.

It is therefore considered that in terms of access and highway safety / 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.

5 – Other matters:

Ecology

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None 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 **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2025/90825

Officer Recommendation: Approve

Conditions

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 (as amended).

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, 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

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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	TQRQM24352153426497	-	26/03/2025
Existing Elevations	1-200	-	02/04/2025
Existing Site	1-110	-	02/04/2025
Existing Layout	1-100	-	02/04/2025
Existing Isometric	1-210	-	02/04/2025
Site Proposal	3-110	-	02/04/2025
Proposed Elevations	3-200	-	02/04/2025
Proposed Layout	3-100	-	02/04/2025
Isometric	3-211	-	02/04/2025
Isometric	3-210	-	02/04/2025
Garage Layout & Elevation	3-130	-	02/04/2025
Street scene Elevation	3-201	-	02/04/2025
Planning and Design & Access Statement	A.1028.PDAS	-	26/03/2025
Photo	-	-	26/03/2025
Photo	-	-	26/03/2025
Application form	-	-	26/03/2025
Climate Change Statement	-	-	07/04/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Officers contacted the applicant's agent to confirm the proposed render colour finish.

Report Dated:

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