
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2022/91676 Erection of first floor extension to rear and dormer window to front and rear 17, Mead Street, Fartown, Huddersfield, HD1 6HE

APPLICANT

Z Ali

DATE VALID

19-May-2022

TARGET DATE

14-Jul-2022

EXTENSION EXPIRY DATE

11-Aug-2022

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Greenhead

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The development by reason of its size, scale, design and considered cumulatively with the existing rear extension, would appear overly prominent and incongruous within the application site, would fail to appear subservient to the original dwelling and would resultantly cause harm to the visual amenity of the host dwelling and the character and appearance of the wider area. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of detailed guidance on rear extensions and dormers within the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

2. The first floor rear extension, by reason of its scale and proximity to the boundary with no. 19 Mead Street, would cause demonstrable harm to the residential amenities of occupiers of this neighbouring dwelling by reason of overshadowing and overbearing impact. This is contrary to the aims of Policy LP24 (b and c) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to Huddersfield Planning Sub-Committee at the request of Ward Councillor Mohan Sokhal who has provided the following reason:

"In my view, the rear of the proposed makes this less visible and doesn't overshadow neighbouring properties. Also, it's not overdeveloped. Appearance is not out of character to other properties."

1.2 The Chair of Huddersfield Planning Sub-Committee has accepted the reason for making this request, having regard for the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to 17 Mead Street, Fartown and is a two-storey semi-detached property. The property is within a mixed-use area and to the north east, faces Birkby Junior School and a curtilage Listed Building and with a light industry/workshop building to the south of the site. To the south west is the boundary of the Birkby Conservation Area, which includes properties that front Halifax Old Road. Residential uses are mixed with other uses.

- 2.2 The front of the property is constructed from stone with the side and rear elevation being constructed from red brick. The roof is constructed from a mixture of blue slate, original roof, and concrete tiles to the single storey rear extension.
- 2.3 To the front of the property is a front garden which is paved and used as a driveway and to the rear is a concrete laid garden area which is set up from the floor level of the property. There is a single storey extension to the rear of the property which projects slightly off the side elevation.
- 2.4 There is vehicular access to the rear of the site off a private access road. The road forms the boundary with the Birkby Conservation Area. The site itself is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the erection of a first-floor extension to the rear of the property and dormer extensions to the front and rear elevation roof slopes.
- 3.2 The proposed first floor extension would sit upon the existing single storey rear extension and would project off the rear elevation of the property by 3.3 metres and off the side elevation by 1.2 metres. The extension would have an eaves height to match the original dwelling with the roof line being set down from the existing roof line by approximately 1.8 metres. The proposed materials of construction would be brick for the walls and tiles for the roof to match the existing.
- 3.3 The proposed front dormer extension would be set up from the existing gutter line by 0.7 metres and would be set down from existing ridge by 0.1 metre. The total width of the front dormer would be 3 metres with the dormer walls clad with tiles to match the host dwelling with white uPVC openings.
- 3.4 The proposed rear dormer extension would be set up from the existing gutter line by 0.3 metres and set down from the existing ridge by 0.1 metre. The total width of the dormer would be 4.9 metres being set in from the side elevation by 0.2 metres spanning the width of the rear elevation roof slope. Again, it is proposed that the dormer walls would be clad with tiles to match the existing roof tiles with white uPVC openings.
- 3.5 On street parking would be retained to the front and rear of the property.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

At the application site

- 4.1 2007/90770 – Erection of single storey rear extension – Conditional Full Permission, granted 17th April 2007

Attached neighbour No. 19 Mead Street

- 4.2 No planning history

Adjacent unit

- 4.3 2005/91367 – Erection of industrial unit – Conditional Full Permission, granted 15th May 2005
- 4.4 2014/90071 – Variation of Condition 2 (hours of activity) on previous permission 2005/91367 for erection of industrial unit – granted 7th March 2014

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Concerns were raised with the Agent both in terms of visual amenity and residential amenity, specifically the front dormer and the first-floor rear extension. Also, it was highlighted to the Agent that the first-floor extension would not comply with the adopted SPD and would have a significant impact on the amenity of the neighbouring property in terms of overshadowing and loss of outlook/overbearing impact. The Agent confirmed that the suggested amendments would not be forthcoming and requested the application be determined on the basis of the originally submitted plans.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic environment
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contamination and unstable land

6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations 2021
- Highways Design Guide 2019

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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 places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking 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 as having the potential to affect the setting of a Conservation Area. The final date for publicity expired 4th July 2022.

7.2 No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K.C. Strategic Waste – no closed landfill sites within 250m of address

K.C. Environmental Health – confirmed they have no objection

K.C. Conservation and Design – commented on the relationship between the site and Birkby Junior School

The Coal Authority – no response received, standing advice regarding development in an area of ‘high risk’ coal mining legacy applies.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity, urban design issues and heritage issues
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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.”

10.2 With specific regard to the House Extensions and Alterations SPD the key design principles for consideration for this particular application 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

10.3 The site is close to the Birkby Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of a Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also policy LP35 of the Kirklees Local Plan.

10.4 When making a recommendation in respect of a planning application that might be considered to affect a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’. In this case it is concluded that the nature of the front dormer would not adversely affect the setting of the curtilage listed Birkby Junior School, given the established separation between the sites, the mixed use appearance of the immediate area with a modern industrial building to the south of the site.

10.5 In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Conservation Area, as well as other matters which will be discussed below.

Visual amenity, urban design issues and heritage issues

10.6 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be ‘subservient to the original building’ and ‘in keeping with the existing building in terms of scale, materials and details.’

- 10.7 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *“the creation of high-quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character, including the surrounding built environment.
- 10.8 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.
- 10.9 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
- 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.”*
- 10.10 Section 5 of the House Extensions and Alterations SPD also provide guidance for specific types of extensions and alterations which will be referred to.

First floor rear extension

- 10.11 The first-floor extension to the rear of the property would effectively result in a two-storey extension as it would be located directly above an existing single storey rear extension.
- 10.12 Section 5.1 of the House Extensions and Alterations SPD relates to rear extensions and states that these should *“maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended.”*
- 10.13 Paragraph 5.8 of the SPD states that generally, two storey rear extensions should:
- be proportionate to the size of the original house and garden;
 - not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
 - not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
 - not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;

- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

10.14 In terms of the submitted proposal, whilst the extension would have a roof ridge that would be set down from the existing roof ridge, the significant size of the extension and when viewed cumulatively with the proposed dormers would not result in a development that would be subservient/proportionate to the original property due to the significant size and scale of the works proposed. This is further exacerbated with the design of the extension which is considered to awkwardly project beyond the side of the dwelling which results in an incongruous and overly prominent appearance when viewing the development from the rear.

10.15 The extension would also fail to retain a separation distance of 1.5 metres to the boundary with the attached property, No. 19, contrary to the SPD nor would a separation distance of 1.5 metres be achieved between the proposed side elevation of the extension and the boundary to the south.

10.16 To facilitate the construction of the rear dormer the roof form of the extension would result in a shallow pitched roof form to the first-floor extension. This fails to respect or relate to the original design and style of the property, contrary to Key Design Principle 2 of the SPD. It is noted that the row of terraces to the north have two storey projecting elements however these are outriggers that formed part of the original design of the dwellings.

10.17 In terms of the impact of the first-floor extension on the setting of the Conservation Area, as the site is enclosed and the extension would face the raised yard area, it is considered that this element of the scheme, in isolation, would not have a material impact on the setting of the adjacent Conservation Area. There is a clear distinction between properties fronting Mead Street and those facing Halifax Old Road – within the Conservation Area. Furthermore, the setting of the application site is closely aligned with the commercial buildings to the south, to the extent that the rear extension would be viewed in the context of buildings of a much more substantial size when viewed from viewpoints in the Conservation Area.

10.18 As the first-floor extension is located to the rear of the property, away from the facing curtilage Listed Building it is not considered that this part of the development, or the rear dormer would have an impact on the setting of the Listed Building.

10.19 In terms of materials for the first-floor extension, the proposed construction materials would match the existing and therefore considered acceptable.

Front and rear dormer extensions

10.20 The scheme proposes dormer extensions to the front and rear of the property with the dormer to the front elevation being smaller than the one to the rear. Both dormer extensions would be flat roofed in their design.

10.21 Section 5.4 of the SPD relates specifically to dormer windows and roof extensions. Sub-paragraph 5.24 states that:

“Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.”

10.22 Sub-paragraphs 5.25 and 5.26 go on to say that:

“The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.” And

“To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable. Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.”

10.23 Sub-paragraph 5.27 states that dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

10.24 In terms of the proposed front elevation dormer extension, in this instance, the dormer proposed is large in scale and would be an alien feature within the street scene where no other dormer openings are located within the front elevations and would not either respect or enhance the character of the townscape. This would be contrary to Key Design Principle 1 of the SPD and Policy LP24 (a and c) of the Kirklees Local Plan.

10.25 In addition, the front dormer extension would face a curtilage Listed Building within the grounds of Birkby Junior School. Discussions have taken place with the Council’s Conservation and Design Officers who consider that the front elevation dormer extension could have a marginally negative impact on the curtilage Listed Building due to the dominant nature of the large flat roof dormer to the front of the property where, as existing, the roof slopes are simple, uninterrupted in their style. This latter argument is disputed. Whilst there are clear visual amenity grounds to oppose the front dormer, as set out in paragraph 10.24, the size and scale of the dormer would have no influence on the setting of the much larger and clearly isolated curtilage listed building.

- 10.26 In terms of the proposed rear dormer extension, whilst this would be large, it would be located within the rear elevation roof slope and therefore have limited visibility from public vantage points on Mead Street. Whilst the dormer would be visible from the rear elevation and amenity areas from the properties on Halifax Old Road, it is considered acceptable in this instance, noting that the property hosts full permitted development rights and that a feature of similar proportions and appearance could be erected without the submission of a formal planning application.
- 10.27 The proposed construction materials for the dormers would be tile clad to match the existing roof slope which is considered to be acceptable.
- 10.28 It is not considered that the proposed rear dormer extension would cause harm to the setting of the curtilage Listed Building or the setting of the adjacent Conservation Area. Again, this feature would be viewed in the context of the mixed-use industrial units and has a potential 'fallback position' of being permitted development. It is therefore considered that this element of the scheme would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the SPD and Chapters 12 and 16 of the NPPF.
- 10.29 Taking into account all the above, it is considered that the cumulative impact of the first floor rear extension and front and rear dormer extensions would result in a development which would not be subservient to the host property due to the overall size, scale and massing with the works resulting in an unsympathetic, over-dominant and incongruous form of development which would harm the character and appearance of the host building. To permit the development would be contrary to Policies LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 and detailed guidance in section 5 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

Residential amenity

- 10.30 Sections B and C of policy LP24 of the KLP states that alterations to existing buildings should:
- “...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*
- 10.31 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.32 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity. These include:
- 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.*”
- Principle 7 - that “*extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.*”

- 10.33 The application site is a semi-detached property with the attached neighbour to the north being No. 19 Mead Street.
- 10.34 To the rear of the pair of semi-detached properties, both properties host single storey rear extensions. The extension to the application site is full width of the rear elevation, projecting slightly off the side elevation and the extension to No. 19 is part-width and is set in and off the shared boundary.
- 10.35 The extension to No. 19 hosts an opening within the side elevation which faces the blank side elevation of the application site and a window within the original rear elevation of the property is visible.
- 10.36 Paragraph 4.17 of the House Extensions and Alterations SPD states that when assessing the impact of overshadowing on neighbouring properties, the Council will, as a starting point, have regard to the 45 degree guidelines. That is, a line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45 degree, 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.
- 10.37 In this instance, due to the presence of both ground floor openings within the original rear elevation of the neighbouring property, the 45 degree line at both ground and first floor would be cut and therefore the erection the proposed first floor extension would cause an undue level of loss of light and outlook for occupiers of no. 19. This is contrary to Policy LP24 and Key Design Principles 5 and 6 of the SPD.
- 10.38 The impact of the scheme on the neighbouring property is further exacerbated due to the orientation of the application site being to the south-east of the attached neighbour and the proposed first floor extension is considered to unduly impact from overshadowing and being overbearing.
- 10.39 In terms of the impact on the attached neighbouring property from the proposed dormer extensions, this would be limited due to the extensions being located within the confines of the existing roof slope.
- 10.40 It is not considered that the proposed works would have a detrimental impact on the adjacent industrial unit.
- 10.41 With regard to overlooking, the existing established separation distances would not be reduced as a result of the proposed dormer extensions. With regard to the openings within the first-floor extension, these face properties which exceed the 21 metres as advised within Key Design Principle 3 of the SPD and therefore there are minimal concerns.

- 10.42 Key Design Principle 7 of the SPD requires that extensions ensure that appropriately sized and usable areas of outdoor space are retained. In this instance, there are no proposed alterations to the footprint of the building and therefore the works would retain the outdoor amenity space, as existing. It is therefore considered that the development would comply with this principle.
- 10.43 There is an industrial unit adjacent to the property that has been in situ since the granting of planning permission 2005/91367. Condition 2 of the approval limits the operational hours of the building stating that'no activities shall be carried out on the premises, including deliveries to or dispatches from the premises outside the hours of 0730 and 1830 Monday to Friday and 0730 to 1300 Saturdays. No activities shall take place on Sundays or Bank Holidays.'
- 10.44 A subsequent application was approved under application number 2014/90071 which sought to extend the hours of use to enable Huddersfield North Scouts to use the premises 24 hours a day, 7 days a week. The stipulation of allowing this was once the premises ceased to be occupied by Huddersfield North Scouts then the approved operational hours would apply in its entirety. This condition was imposed to safeguard the amenities of nearby residents.
- 10.45 Discussions have taken place with Environmental Health Officers who have confirmed that as the hours are restricted for the use of the adjacent building, and fact there are no proposed openings within the side elevation of the extensions they consider the proposal would not have a significant impact upon occupiers of the proposal as a result of noise. Therefore, it is considered that the proposal would comply with policies LP24 and LP52 of the Kirklees Local Plan.

Highway safety

- 10.46 Principle 15 of the House Extensions and Alterations SPD states that: *"Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking."* Principle 16 seeks to ensure adequate bin storage arrangements are in place.
- 10.47 The submitted floor plans indicate that the size of the property would increase from being a 2 no. bedroom property to a 5 no. bedroom property.
- 10.48 Key Design Driver 20 of the Highways Design Guide SPD states that:

Kirklees Council has not set local parking standards for residential and non-residential development. However, as an initial point of reference for residential developments (unless otherwise evidenced using the criteria in Para. 5.1), it is considered that new:

- *to 3 bedroom dwellings provide a minimum of two offstreet car parking spaces*
- *4+ bedroom dwellings provide three off-street spaces.*

- 10.49 The works to the property would not increase the footprint of the property with all the works being located above ground floor level. As such, there would be no alterations to the existing parking arrangements. Due to the driveway and the hardstanding rear yard, it is considered that 3 no. parking spaces, off-street could be achieved, in accordance with Key Design Driver 20 of the Highways Design Guide and Key Design Principle 15 of the House Extensions and Alterations SPD.
- 10.47 It is also noted that there is sufficient space within the site boundary to accommodate bin storage and the proposal is therefore concluded to comply with Key Design Principle 16 of the SPD.

Other Matters

Climate change

- 10.48 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.49 Principles 8 of the House Extensions and Alterations SPD relate to planning for climate change. Principle 8 (Energy Efficiency) states: "*Extensions and alterations should, where practicable, maximise energy efficiency.*"
- 10.50 Due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific reliance measures. However, it is noted that the extension would be finished in brick and would therefore aid passive solar gain, constructed from modern specifications to ensure thermal efficiency. This is considered acceptable and in accordance with Chapter 14 of the NPPF as well as Key Design Principle 8 of the House Extensions and Alterations SPD.

Biodiversity

- 10.51 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 10.52 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the 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.”* In this instance, careful attention has been paid to look for evidence of bat roost potential during the site visit. In this instance, the property appeared well-sealed around the eaves and roof area.
- 10.53 Therefore, the development is considered to comply with the aforementioned policies.

Coal Mining Legacy

- 10.54 The site is located within area which is at high risk of ground movement as a result of past mining activities. Whilst falling within a high-risk area the Coal Authority identify the development type as that which does not need the submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

Representations

- 10.54 As a result of publicity, no public representations have been received during the course of the application.

11.0 CONCLUSION

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other materials considerations. In this instance, the development does not accord with Policy LP24 (a, b and c) of the Kirklees Local Plan, Principles 1, 2, 5 and 6 of the House Extensions and Alterations SPD and Policies within Chapter 12 of the NPPF. The application of policies in the NPPF that protect visual and residential amenity are of particular importance and provide a clear reason for refusing the development proposed.

Background Papers:

Application and history files.

[Link to application details](#)
[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate A signed.