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:	2020/62/91904/W
Site Address:	12 , Whitebeam Park, Birkby, Huddersfield, HD2 2GZ
Description:	Erection of two storey and single storey extensions, conversion of integral garage to living space and external alterations
Recommending Officer:	Laura Yeadon

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 07-Jan-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91904

Site Description

12 Whitebeam Park is a detached two storey dwelling located within an area without notation on the Kirklees Local Plan, within a residential area. The property is set within a sloping site which slopes downwards from west to east. The neighbouring property, No. 10 is set back from the application site and also on a lower ground level with No. 14 set on a higher level and also set back from the front elevation of the application property. The dwelling is set back from the roadside, separated from the road by an open front garden and a driveway which leads to an attached double garage. To the rear is a lawned garden. Surrounding development is comprised of detached properties of varying design. The properties to the north along Grimescar Meadows are at a lower ground level.

Description of Proposal

Permission is sought for the erection of two storey (upper) and single storey extensions, conversion of integral garage to living space and external alterations.

It is proposed that the existing garage would be converted to a family room, kitchen extension and utility room with a first floor being created to accommodate 2 no. bedrooms and an en-suite bathroom. The extension would have an eaves height to match the existing eaves and a roof ridge also to match. A gable would be formed within the front elevation of the extension.

Within the front elevation it is proposed that the existing canopy and bay window would be removed and the front elevation brought forward to lie flush with the existing front elevation of the living room and the existing front elevation of the existing garage. The extended section would be single storey enabling the existing projecting first floor feature to be retained.

It is proposed that the extended sections would be constructed from stone to match the existing property with roof tiles also to match. The proposed openings would be double glazed units.

History of negotiations/amendments received

Following a consultation response from Highways Development Management, it was requested that a plan was submitted demonstrating that 3 no. off street parking spaces be provided within the site. This was subsequently submitted and shall be considered as part of the assessment of the application.

Relevant Planning History

1991/06527 Construction of roads and sewers
Conditional Full Permission

1994/92692 Erection of 38 no. dwellings with garages
Refused

1994/94087 Erection of 38 dwellings and associated garages and roads
Withdrawn

1995/91007 Erection of 39 no. dwellings with garages
Conditional Full Permission

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.

Final publicity date expired 4th August 2020 – one representation received with the following being a summary of comments:

- Difference in land levels between application site and neighbouring properties
- Electricity generated by solar panels will be significantly affected by the extension over the garage during the autumn and winter months as the sun is lower in the sky
- Currently during December and January when the sun is at its lowest the panels only produce energy for about 1 hour each day
- As the sun moves height in mid/late autumn and winter the sun will appear over the garage roof of the application site and the solar panels with then produce 3 or 4 hours per day which is when the panels will be severely affected by the extension above the garage
- If the extension goes ahead, the solar panels will only be able to produce a maximum of one our per day instead of the current 3 or 4
- The extension will therefore limit the production of solar power for approximately 6 months a year to only one hour per day
- The extension above the garage will reduce the amount of natural light into house and garden in autumn and winter

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Highways Development Management – 3 no. off street parking spaces should be provided and demonstrated on plan- following the submission of the

plan informal discussions took place with the Highway Officer and no objections have been made.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking provision
- **LP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) 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".

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The proposed conversion and extension would affectively be in the form of a two storey side extension and a front single storey extension.

The design is such that the two storey element of the extension would have an eaves height and roof ridge height to match the existing. It is also proposed to construct a single storey front extension to infill the voided section between the living room and existing garage. The cumulative impact of the extensions would remain subservient to the host dwelling, and, on balance, the extensions would be in keeping with the architectural form of the host dwelling and surrounding development with a number of dwellings within the street scene incorporating front gables of varying heights and design.

As the extension would be on the same footprint as the existing garage it is considered that the creation of a first floor extension would be acceptable in terms of size, scale and massing.

The proposed construction materials would match the host dwelling and would therefore comply with the requirements of the Policy LP24 of the Kirklees Local Plan which cites that materials should match.

A proposed site plan has been submitted and the application demonstrates that the resultant building would not be an overdevelopment of the site. Of note, given the spacing of the side wall of the extension from No.10 Whitebeam Park, officers consider that the proposed extension would not result in a cramped form of development.

3 – Impact on residential amenity:

In terms of the impact on residential amenity and overlooking, the separation distances between the properties to the rear of the site would not be reduced as a result of the proposal. There would be additional windows facing

properties on Grimescar Meadows (a bedroom and en-suite) but given the existing separation between the dwellings it is considered these would not have a material impact on overlooking or privacy. In terms of the front elevation openings, due to the extended walling within the front elevation to infill the section between the living room and existing garage, the entrance door and windows to either side of the door would become closer to the facing properties. Given that these would lie flush with the existing elevations and the hall and study areas are non-habitable, it is not considered that these openings would be harmful to residential amenity. In terms of the introduction of first floor openings above the converted garage, these would be set back from the existing bay window within the existing first floor, and it is not considered that the extensions would cause significant harm in terms of overlooking. No first floor side facing windows are proposed.

With regards to overshadowing there would be not be undue harm from the front extension given its location. In terms of the side extension, the neighbouring property closest to the extension (No.10 Whitebeam Park) is set on a lower ground level than the application site and is also set back from the front elevation of the property and therefore it is not anticipated that the extension would be overbearing and it is considered that any overshadowing would be limited.

The property to the rear of the site is No.27 Grimescar Meadows. Whilst noting a change in levels and the orientation of the proposed extension to this property, this property is located at an approximate 20 metre separation distance from the application property. The additional impact of the first floor level of the development on rear facing windows and the amenity space is considered not to cause undue overshadowing harm over and above the existing arrangement. This takes into account that the overall ridge height would be increased by around 2.5m and notes the increased overshadowing this would cause when the sun in lower in the sky.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

As the property would be increased to a 5 no. bedroom dwelling the Kirklees' Highway Design Guide recommends that three off-street parking spaces should be provided for houses with 4 or more bedrooms. As such, details were submitted demonstrating that 3 no. spaces could be provided at the property and the Officer has confirmed that this is acceptable.

5 – Other matters:

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. Within the application itself the use of natural stone for the walls is a locally available, natural material that is wholly recyclable. The erection of a first floor extension over existing built form would reduce the potential for surface water run-off.

Impact on existing solar panels – following on from the paragraph above, representations have been received regarding the impact the extension would have on solar panels on the roof of a dwelling to the north of the site along Grimescar Meadows. In the representation, information is provided setting out the impact this would have on the production of electricity. Interference with solar panels is a material planning consideration by reason of the part played by them in addressing (however modestly, on an individual scale) issues of climate change. Para 153 of the NPPF states that local planning authorities should expect new development to minimise energy consumption. Policy LP24 of the Local Plan states that good design should be promoted by 'high levels of sustainability, to a degree proportionate to the proposal'.

The relationship between the two-storey host property and the existing solar panels is such that the application dwelling is at a higher ground level than the affected property. The current width of the two-storey element of the property is 9.5m, the ridge height is around 9m. The proposed extension would increase that width of the two-storey element of the dwelling by 5m. The existing ridge height of the garage is around 6.5m and the proposed extension would raise the overall ridge of this element by 2.5m in height (to 9 metres, similar to the main body of the existing dwelling). The additional shadow potentially cast by the increase in roof height is complex because it is not a linear detriment between the amount of overshadowing and resulting environmental pollution. A small amount of overshadowing can have more significant consequences in respect of power reduction which translates to quantifiable CO2 emissions. This is set out in detail in the representation received.

It is acknowledged that the efficiency of the solar panels would be affected to some extent and this is afforded some weight in the consideration of the scheme. It would therefore, in a very modest way, impact on climate change. However, this adverse impact would not significantly and demonstrably outweigh the benefits of the proposal when proportionately assessing it (LP24). As set out in the assessment it is considered to be of an acceptable visual design, would not unduly harm residential amenity and would not have an adverse impact on highway safety. Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. This has been taken into account in the assessment of the

application. Although the impact on electricity generation is acknowledged, this on its own is not sufficient to conclude the development should be refused.

6 – Representations:

One letter of representation has been received within the following being a summary of concerns and the LPA response:

- Difference in land levels between application site and neighbouring properties.

Response: Noted.

- Electricity generated by solar panels will be significantly affected by the extension over the garage during the autumn and winter months as the sun is lower in the sky.

Response: This has been addressed above.

- Currently during December and January when the sun is at its lowest the panels only produce energy for about 1 hour each day.

Response: Noted.

- As the sun moves height in mid/late autumn and winter the sun will appear over the garage roof of the application site and the solar panels with then produce 3 or 4 hours per day which is when the panels will be severely affected by the extension above the garage.

Response: This has been addressed above.

- If the extension goes ahead, the solar panels will only be able to produce a maximum of one our per day instead of the current 3 or 4

Response: This has been addressed above.

- The extension will therefore limit the production of solar power for approximately 6 months a year to only one hour per day

Response: This has been addressed above.

- The extension above the garage will reduce the amount of natural light into house and garden in autumn and winter.

Response: This has been addressed within the residential amenity section of this report.

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: 2020/91904

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1. LP2 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PDA 20-006-002 Rev A		23rd June 2020
Site plan	PDA 20-006-002 Rev: B		18th December 2020
Existing and proposed elevations and floor plans	PDA 20-006-001 Rev: A		23rd June 2020

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. Following a consultation response from Highways Development Management, it was requested that a plan was submitted demonstrating that 3 no. off street parking spaces shall be provided within the site. This was subsequently submitted and shall be considered as part of the assessment of the application.

Report Dated: 5th January 2021