

**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: 2020/62/92004/W

Site Address: 3, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP

Description: Erection of two storey side and single storey rear extensions

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.

John Holmes

AUTHORISED OFFICER

Date: 08-Dec-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92004>

Site Description

3 Reinwood Avenue is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and has a slate roof with uPVC openings. Due to topography, the property is set up from the roadside and is separated from the roadside by the front garden and there is a driveway to the side leading to a detached garage. To the rear of the property is a larger garden. Reinwood Avenue is comprised of mainly semi-detached properties of varying styles and design.

Description of Proposal

Permission is sought for the erection of a two storey side extension and single storey rear extension.

The proposed two storey side extension would be set back from the front elevation of the existing property and would project to the side by 3.4 metres and would span the full depth of the property lying flush with the existing rear elevation of the property. The eaves height would match the existing with the roof ridge of the extension being set down from the existing by 0.2 metres.

To the rear of the property spanning the full width of the rear elevation and extension is a single storey extension which would lie flush with the side elevation of the proposed two storey extension and would project 3 metres from the rear elevation of the property. The overall height of the extension would be 3 metres to the top of the flat roof.

It is proposed that the front and side elevations would be constructed from stone at ground floor level with white render at first floor. The rear extension would also be constructed from render. A strip of timber cladding is proposed within the first floor front elevation and within the rear elevation at both ground and first floor level. The proposed roof material would match the existing.

History of negotiations/amendments received

Concerns were raised with the initial submitted proposal due to the proposed flat roofed two storey extension and the proposed construction materials. In response, the plans have been amended with the alterations summarised as follows:

- Traditional roof form added
- Removed timber elevations at first floor and replaced with white render
- Window details amended to be more in keeping with the existing

- Retained stone at ground floor
- Extended the rear elevation across the rear of the two storey extension

As the proposals result in an improvement to the design of the original submission, it was not considered necessary to re-advertise the amended plans.

Relevant Planning History

None

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 12th August 2020 – 2 no. representations received with the following being a summary of comments:

- Design, appearance and materials not in keeping with and significantly different to the original property
- Not in character with the street scene
- Successful traditional style extension achieved on No. 5
- More traditional frontage and roof line would be a suitable compromise
- Extension would be very visible from the street and neighbours would look onto it, particularly due to its elevated height
- Concerned with proximity to neighbouring property which may cause damp issues

Parish Council – not applicable

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 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

Supplementary Planning Documents

- Kirklees Highway Design Guide (adopted November 2019)
- House Extensions & Alterations SPD (adopted June 2021)

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on 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”.

With specific regard to the House Extensions and Alterations SPD the key design 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 15: Provision for parking

The adopted SPD states that in terms of two storey side extensions should:

- not take up all or most of the space to the side of the building;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house

With regards to single storey rear extensions, these 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.

These principles and the relevant design guidance of the House Extensions and Alterations SPD is taken into account within the following report.

The property benefits from full permitted development rights.

2 – Impact on visual amenity:

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.

The design of the proposal is such that the two storey extension would have a ridge height that is set down from the existing and a front elevation which is set back from the front elevation which would broadly comply with the requirements of the SPD. Whilst the two storey extension would not be set in from the boundary of the site, due to the significant difference in levels between the application site and the neighbouring property and fact that the neighbouring property is set on an oblique angle to the application site, it is considered that the proposal would maintain space between the two properties and would therefore not result in a terracing effect.

The proposed single storey rear extension would span the full width of the rear elevation of the existing dwelling and also the proposed two storey extension and due to being single storey and limited in projection to 3 metres, is considered to be subservient.

The design of the proposal has been amended from a two storey flat roof timber clad structure to a more traditional structure which would be rendered to the first floor with a white coloured finish. Whilst this would introduce a new finishing material to the property, the neighbouring property has a rendered first floor and there are properties within the street scene that are finished with a white coloured render and therefore the use of such a material is considered acceptable. The use of timber cladding has been significantly reduced. Furthermore the roof has been redesigned to be in keeping with the hipped roof design of the existing dwelling.

The window openings have also been amended and are more in keeping with the host dwelling and therefore also considered to be acceptable.

It is considered that the proposal would have an acceptable impact in terms of size and scale with the extensions, particularly to the rear of the property. It is

not considered that the proposed works would result in an overdevelopment of the plot given the level of amenity space which would remain.

The design of the extension is therefore considered to be in keeping with that of the locality on the basis of the amended plans which have been submitted.

It is therefore considered that in terms of visual amenity, the proposed would comply with principles 1 and 2 of the House Extensions and Alterations SPD and accords with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of 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.

In terms of the proposed single storey rear, whilst this would span the full width of the rear elevation, it would have a limited impact on the attached neighbouring property as this property hosts a two storey extension to the rear with a similar projection. In addition, the property benefits from full permitted development rights and therefore a 3 metre projecting extension could be constructed (subject to criteria) without the requirement of an application for planning permission.

With regard to the impact on No. 1 Reinwood Avenue, whilst it is noted that there is a difference in levels between the two sites, the extension would be set at oblique angle to no.1. There are openings within the side and rear elevations (and within extensions) of no.1 which could be impacted on by the proposal in terms of overshadowing and by being overbearing however due to orientation, overshadowing from the neighbouring property would be from the property itself rather than the application site. In addition, there are no openings proposed within the side elevation of the extension as such the proposal would not directly overlook this neighbour.

As the proposal would not reduce any established separation distances, there are no other properties that would be directly impacted on by the proposal.

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.

The two storey side extension would be located on the driveway of the property and therefore reduce the existing parking provision for the site. Whilst it is noted that 3 no. parking spaces should be provided for the property, given that on-street parking provision is available which does not appear to be oversubscribed, it is considered that in this instance a lower level of off street parking provision would be acceptable.

Whilst it is possible to increase off street parking for the property by utilising the front amenity space, in this case it is considered the benefit of gaining additional off street parking would not outweigh the visual impact of the front garden space in terms of its contribution to the street by being soft landscaped. As such it is not considered that it would be reasonable of the LPA to insist upon such parking provisions to be made.

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. No specific mitigation measures are required in this instance.

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system.

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.

Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

6 – Representations:

2 no. representations have been received with the following being a summary of comments and LPA response:

- Design, appearance and materials not in keeping with and significantly different to the original property

Response: Amended plans have been received to address concerns regarding visual amenity assessed in section 2 of this report.

- Not in character with the street scene

Response: Amended plans have been received to address concerns assessed in section 2 of this report.

- Successful traditional style extension achieved on No. 5

Response: Noted

- More traditional frontage and roof line would be a suitable compromise

Response: Amended plans have been received to address concerns regarding visual amenity assessed in section 2 of this report.

- Extension would be very visible from the street and neighbours would look onto it, particularly due to its elevated height

Response: Noted

- Concerned with proximity to neighbouring property which may cause damp issues

Response: This is not a material planning consideration that the LPA can address as part of this application.

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: 2020/92004

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, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 15 of the House Extensions and Alterations SPD and policies within the National Planning Policy Framework.

3. The development hereby approved shall be constructed from the materials of construction and colour finishes detailed within submitted drawing 19_805 101RevE. The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed upon submitted drawing 19_805 101RevE. The materials of construction shall be thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and the policies contained within Chapter 12 of the NPPF.

4. The flat roof of the single storey part of the development hereby approved shall be used as a roof area only and shall not be used as a balcony or terrace area at any time throughout the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Principles 3

and 4 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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 and existing site plan	18_805 102		29 th June 2021
Existing elevations and floor plans	19_805 100		29 th June 2021
Proposed elevations and floor plans	19_805 101 E		2 nd December 2021

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. Concerns were raised with the initial submitted proposal due to the proposed flat roofed two storey extension and the proposed construction materials which were not considered to be acceptable. In response, the plans have been amended with the alterations to the design and material palette.

Report Dated: 6th December 2021

Coal – low

