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:	2021/62/90328/W
Site Address:	62, Benomley Crescent, Almondbury, Huddersfield, HD5 8LU
Description:	Erection of first floor bedroom extension over existing kitchen and dormer to rear roof slope to existing attic room
Recommending Officer:	Stuart Howden

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: 12-Apr-2021

Officer Report

Site Description

62 Benomley Crescent, Almondbury, Huddersfield, HD5 8LU

62 Benomley Crescent comprises a two storey semi-detached dwelling constructed from red brick and render under a tiled roof. To the rear of the dwelling is a single storey extension, with a decked area beyond this. The site falls from the front to the rear, and falls significantly to the very rear of the garden. The property benefits from a front garden, and there is a driveway to the side of the dwelling which runs to a split level detached outbuilding beyond the rear wall of the dwelling.

The site is within a residential area and Benomley Crescent has a suburban character. The properties on Benomley Crescent consist of relatively similar semi-detached dwellings. There are no properties directly to the rear of the site.

The site is not within a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the erection of a first floor extension to the rear and a box dormer on the rear roofslope.

The first floor extension would protrude from an existing two storey gable element to the rear of the dwelling and would be flush with the existing side and rear wall of the single storey element it would be sited on top of (a depth of ~2.6 metres and width of ~2.8 metres). The extension would be flush with the roofline of the gable element it would protrude from. The first floor extension would be set off the side boundary shared with the neighbouring dwelling attached to this semi-detached property (No.60) by ~3.5 metres. The extension would be constructed from materials to match the existing dwelling.

The box dormer is proposed to be a height of ~2.3 metres, but would not be greater in height than the existing roof ridge. The dormer is proposed to be constructed from horizontal grey plank upvc cladding, with openings at all sides.

History of negotiations/amendments received

No amendments have been sought for this application. The applicant's agent was informed that a condition was to be attached outlining that the north side window of the dormer is to be fixed shut and obscurely glazed to prevent detrimental overlooking and the agent agreed to such a condition.

Relevant Planning History

2003/90544 – Erection of two storey and single storey extensions – Approved.

Representations

Final publicity date expires:
Neighbour letters expired on 19th March 2021.

No representations were received.

Consultation Responses

No consultation was necessary for this application.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highways Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

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 2** – Achieving sustainable Development
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Other Material Considerations

House Extension and Alteration Supplementary Planning Document: Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

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. Chapter 2 of the NPPF states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"

Chapter 2 of the NPPF goes onto further state that objectives should:

"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

LP1 goes further and states:

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

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of

impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These matters will be discussed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

"124. The creation of high quality buildings and places is 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."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and "*c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Whilst it would be partially visible, the proposed first floor extension would not be a prominent feature from Benomley Crescent due to its siting to the rear of the dwelling being largely screened by dwellings on that street. In addition, it is considered that the extension would appear as a sympathetic addition to the existing dwelling given that it would be flush with the roofline of the existing gable element to the rear of the dwelling, it's relatively modest depth, and matching materials. It is also relevant to note that a similar extension has been constructed at No.52 Benomley Crescent. It is therefore considered that the proposed first floor extension would not cause detrimental harm to the visual amenities of the locality.

The proposed box dormer is considered to be an unfortunate and bulky element, but the box dormer would likely to constitute permitted development under Class B, Part 1, Schedule 2 of the General Permitted Development Order if it were not for the proposed side windows and the proposed construction materials (which are not of a similar appearance to those used on the existing dwelling). The use of matching materials would be more desirable than upvc cladding, but given its siting to the rear of the dwelling, the proposed dormer would mainly be screened from the public domain of Benomley Crescent. Given the above, it is considered that the proposed dormer would not cause detrimental harm to the visual amenities of the area.

For the reasons set out above, the proposed development is acceptable in terms of visual amenity. The proposed development is therefore considered to

comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Paragraph 127 of the NPPF states that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."

The properties most likely to be affected by the proposed development are the abutting neighbours to the side, these being No's.60 and 64 Benomley Crescent. The proposal would be sufficiently sited to prevent undue harm to any other neighbouring properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing impact.

No.60 Benomley Crescent

No.60 is attached to No.62 and is to the north of the site. The existing single storey extension to the rear of the dwelling covers most of the width of the dwelling and protrudes beyond the rear wall of No.60 (at ground floor level) by approximately 2.5 metres. The proposed first floor extension element is proposed to be a similar depth to the existing single storey extension, but would be set off the side boundary shared between the properties by approximately 3.5 metres. Given this set off, the proposed extension would not breach the horizontal 45 degree line when taken from the nearest ground floor and first floor rear facing windows of No.60 to the site. Even though the extension would be to the south of the rear garden of No.60, by virtue of its modest depth and the set off from the side boundary, it is also considered that the proposed extension would not result in the creation of an undue overbearing impact upon No.60. The views of No.60 from the first floor rear facing window of the proposed extension would not be too dissimilar to views gained from the rear windows of No.62 already and it is considered that this element of the proposal would not cause undue harm to No.60 in terms of loss of privacy or overlooking.

The proposed dormer has the potential to result in the loss of some light to the rooflights to the rear of No.60, especially given its southern orientation to No.60. However, a dormer of this scale and form could potentially be installed under permitted development. Given this, and the scale of the dormer, it is considered that the proposal would not result in a detrimental loss of light to No.60. Whilst the rear facing window in the dormer would gain relatively similar views of No.60 than existing windows in No.62, the north side window

in the dormer would directly face the garden area of No.60 and a condition shall be attached stating that this is to be obscurely glazed and fixed shut to prevent undue harm in terms of overlooking.

No.64 Benomley Crescent

No.64 is to the south of the site. The proposed first floor extension would protrude beyond the rear wall of No.64, but the rear elevation of this dwelling is slightly angled away from No.62. The nearest rear facing window is at ground floor level which is set forward of the main body of the dwelling at No.64, but this serves a garage (a non-habitable room) therefore the loss of outlook and overbearing impact caused to this window by the proposal is considered to be acceptable. There are three side windows facing towards the site, and there is potential for a reduction in outlook to these windows as a result of the proposal, but these windows serve non-habitable rooms and the loss of outlook that would be caused is considered to be acceptable. The proposed first floor extension would not breach the horizontal 45 degree line of other rear facing windows of No.64 given that the extension would be set off the shared boundary and because No.64 is angled away from the site, therefore it is considered that the proposed extension would not cause an undue loss of light or outlook to these windows, or unduly overshadow them.

Further to this, given the modest depth of the first floor extension, that it would be to the north of rear garden of No.64 and that it would be set off the side boundary shared with No.64 by 3 metres, it is considered that the proposed extension would not have an undue overbearing and overshadowing impact upon the rear garden of No.64.

The views of No.64 from the first floor rear facing window of the proposed extension would not be too dissimilar to views gained from the rear windows of No.62 already and it is considered that this element of the proposal would not cause undue harm to No.64 in terms of loss of privacy or overlooking.

The proposed dormer would be sufficiently sited to prevent undue harm to No.64 in terms of loss of light and overshadowing. The rear facing window in the dormer would gain relatively similar views of No.64 than existing windows in No.62. It is considered that the south side window in the dormer would not gain new views of the rear garden of No.64 or clear views through the side windows of No.64 given that the roof of the dwelling at No.62, including the roof of the gable projection, would help screen such views, and because the only first floor side facing window at No.64 is obscurely glazed.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposal does not look to increase the number of bedrooms, but increase the size of existing bedrooms therefore additional on-site parking is not required, and the proposal would not result in the loss of any space for parking on site. Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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.

Considering the small-scale 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. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

No representations have been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2021/90328

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan.

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 Chapter 12 of the National Planning Policy Framework.

4. The proposed window in the north side elevation of the dormer hereby approved shall be first installed to be fixed shut unless parts of the window which can be opened are more than 1.7 metres above the second floor level, and obscurely glazed (Level 3 or above), and retained as such thereafter.
Reason: To safeguard the privacy and amenities of the occupants of the neighbouring properties and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	29th January 2021
Location Plan, Existing Elevations and Existing Floor Plans	AL01	-	29th January 2021
Proposed Floor Plans	AL02	-	29th January 2021
Proposed Elevations and Section	AL02	-	29th January 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. The applicant's agent was informed that a condition was to be attached outlining that the north side window of the dormer is to be fixed shut and obscurely glazed to prevent detrimental overlooking and the agent agreed to such a condition.

Report Dated: 12/04/2021