

**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:** 2021/62/90606/W  
**Site Address:** 10, Norcross Avenue, Oakes, Huddersfield, HD3 4FP  
**Description:** Erection of ground floor extensions to front and rear and infilling of side wall to existing car port.  
**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: 13-Apr-2021**

## **Officer Report**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90606>

## **Site Description**

10 Norcross Avenue is a two storey semi-detached dwelling located within an area without notation on the Kirklees Local Plan. The property has a ground floor finished in artificial stone with render to the first floor and a blue slate roof. The property has been extended to the side with a car port at ground floor with accommodation above with a roof line which is set down from the existing and a front elevation set slightly back from the existing front elevation. There is also a single storey rear extension. To the front of the property is a garden area and driveway leading to the car port and to the rear is a larger garden area which contains a garage. The surrounding area is comprised of mainly residential properties with a large commercial unit to the north.

## **Description of Proposal**

Permission is sought for the erection of ground floor extensions to the front and rear and the infilling of the side wall to the existing car port.

It is proposed that the ground floor voided elevations to the front, side and rear would be infilled to create accommodation. This would result in the ground floor front elevation being set forward of the front elevation by 0.5 metres and at first floor the front elevation would be set back from the front elevation as existing. It is proposed that the side elevation of the car port would be infilled and to the rear, the existing rear extension would be extended across the rear of the infilled rear elevation of the car port at a total projection of 1.3 metres. The eaves height and ridge height of the single storey rear extension would be a continuation of the existing at total height of 3.1 metres and 3.8 metres respectively.

It is proposed that the infilling of the side elevation of the car port, the front extension and rear extension would be finished with artificial stone with the roof of the single storey rear extension would be blue slate.

The existing openings within the first floor above the car port would be retained and at ground floor an entrance door with windows to either side would be inserted into the front elevation, high level openings would be located within the ground floor side elevation and within the rear elevation a window would be inserted within the rear elevation of the single storey extension.

## **History of negotiations/amendments received**

No amendments have been sought or received.

## **Relevant Planning History**

2003/93877 Erection of two storey extension and conservatory  
*Conditional Full Permission*

2006/94396 Erection of decking  
*Refused*

2007/91276 Erection of decking  
*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 8<sup>th</sup> April 2021 – no representations received

Parish/Town Council comments – 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 27<sup>th</sup> 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 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 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 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

### **House Extensions and Alterations Supplementary Planning Guidance**

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. 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 extensions would be to the front and rear of the of the property. The car port at ground floor within the existing side extension would be infilled. In terms of the overall visual impact of the scheme, the works would result in a development which would appear as a two storey side extension which would be subservient to the host building by way of having a roof line which is set down from the original roof and first floor front elevation which would be set back from the original. These elements are existing. The extension to the ground floor front elevation would be limited to 0.5 metres and would host the reconfigured access into the property. To the rear, the existing extension would be continued across the rear of the infilled section of car port lying flush with the infilled side elevation. This element of the scheme is also considered subservient by virtue of being single storey in height. The construction materials would match the existing being artificial stone for the walls and blue slate for the roof of the single storey extension.

Other two storey extensions of similar design are evident within the street scene and it is not considered that infilling of the car port would result in harm to the character and appearance of the area or, on balance, result in an undesirable terracing effect – given the scale and siting of the existing structure. It is also considered that the minimal extension to the front of the property and the extension of the existing rear extension are acceptable and would not result in an overdevelopment of the site.

As such, it is considered that the proposal is acceptable in terms of visual amenity and would accord with Policy LP24 of the Kirklees Local Plan.

### 3 – Impact on residential amenity:

Openings are proposed within the front, side and rear elevations of the ground floor elevations. With the front elevation an entrance door and openings to either side of the door are proposed which would be to habitable accommodation. The separation distance between the site and the facing property would be reduced by 0.5 metres however the facing property is located to an oblique angle to the application site and is within an elevated position, as such there are minimal concerns. Within the side elevation high level windows are proposed at ground floor level which would be 1.7 metres above finished floor level. Whilst there is are 2 openings within the side elevation of the single storey extension and original elevation the neighbouring property, due to the windows being at a high level, it is not anticipated that there would be a significant impact from overlooking from these openings. In terms of the opening within the rear elevation of the single storey extension, this would face into the garden area of the property and therefore there are minimal concerns.

With regard to overshadowing and/or being overbearing, site photographs have been submitted by the Agent which indicates that an opening is located within the side elevation of the single storey side elevation on the adjacent property. This opening would be affected somewhat by the infilling of the side elevation of the car port. However, due to the small size and scale of the extension which hosts the entrance to the neighbouring property, this is likely

to be a porch area and therefore non-habitable. It is likely that the window would suffer from a degree of overshadowing by the presence of the car port and first floor extension due to being on a slightly higher ground level as existing. As the opening appears to be to a non-habitable in addition to no representations being received opposing the scheme, the impact of infilling the side elevation of the car port on the neighbouring property is, on balance, acceptable. Due to the limited projection of the rear extension, it is not anticipated that this element of the scheme would create significant harm in terms of overshadowing the other side facing window.

It is therefore considered that the proposal is acceptable from a residential amenity perspective.

#### 4 – Impact on highway safety:

The internal width of the car port does not meet current standards and is not considered to be a useable parking space. As such, there would be no loss of parking as a result of the proposal. There is a parking space in front of the structure which would accommodate one vehicle. Another parking space could be formed to the front which the application form states will be the case however there is not demonstrated on the submitted plans. As there is no increase in bedroom provision as a result of the works with no loss of parking provision, it is not considered that the works would be detrimental to highway safety.

#### 5 – Other matters:

*Climate Change* - On 12<sup>th</sup> 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. Due to the limit amount of development proposed, it is not considered that specific mitigation measures are required.

*Biodiversity* – the application site is within a 'Bat Alert' layer on the Council's GIS system. 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. This is due to the roof structure of the building not being interfered with.

#### 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 development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation**

**APPROVE**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2021/90606

**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, LP24 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan, existing elevations and floor plans	21 J 07 – 01		16 <sup>th</sup> February 2021
Site plan, proposed	21 J 07 – 02		16 <sup>th</sup> February 2021

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
elevations and floor plans			

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 13<sup>th</sup> April 2021

Coal - low