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:	2021/62/90760/W
Site Address:	50, Benomley Crescent, Almondbury, Huddersfield, HD5 8LU
Description:	Erection of single storey rear extension
Recommending Officer:	Lucy Taylor

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: 29-Apr-2021

Officer Report.

Reference: 2021/90760

Location: 50, Benomley Crescent, Almondbury, Huddersfield, HD5 8LU

Proposal: Erection of single storey rear extension.

Site Description.

50 Benomley Crescent is a two-storey semi-detached property located in Almondbury, Huddersfield. The property is constructed from red brick and pebble dashed render and has a tiled hipped roof.

The property is located in a residential area, where there is a strong sense of similarity within the streetscene. This is because, all of the properties are semi-detached and have been constructed using very similar construction materials. Therefore, the properties along the streetscene of 50 Benomley Crescent share a very similar appearance.

Description of Proposal.

The proposal is seeking planning permission for the erection of a single storey rear extension.

Single Storey Rear Extension:
The proposed single storey extension at 50 Benomley Crescent will project a maximum length of 4 metres from the rear elevation of the host dwelling, have a maximum width of 5.85 metres and a maximum height of 3.45 metres, finished with a flat roof. The walls of the extension will be constructed from brick to both side elevations and muted green render to the rear elevation. With regard to fenestration, the rear extension proposes glazing on only the rear elevation, this is in the form of glazed bi-folding doors.

Within the interior of the dwelling, the rear extension will function as an extended kitchen and dining area.

History of Negotiations.

Amended plans were sought to reduce the originally proposed projection of the rear extension down to 4 metres, this was in conjunction with potential detriment posed upon residential amenity in terms of overbearing and overshadowing. In addition, the rear extension was originally proposed to be entirely grey-green render. This was asked to be amended so the extension would be constructed from brick. Amendments were made to the side elevations of the extension however, the rear remains a muted green render, this is considered acceptable from a visual amenity perspective. Finally, the original drawings showed some inaccuracies with regard to the shape of the extension as well as proposed fenestration, this was sought to be amended in the revised documentation.

Revised documents were provided by the applicant, these have been used to make the final determination on the proposed development at 50 Benomley Crescent.

Relevant Planning History.

No relevant planning history.

Representations.

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 which expired on 19th April 2021 – no representations were received.

Although amended plans were sought and submitted, it was not deemed necessary to re-publicise the application through new neighbour notification letters. This is because the amended plans were deemed to be more acceptable in terms of visual amenity and residential amenity and of a lesser scale. Therefore, with no representations received from the first publication, the second scheme that deemed to be more acceptable to neighbouring properties would be unlikely to receive representation.

Consultation Responses.

No consultations were deemed necessary for the proposal.

Policy/Legislation.

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 in Unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP24** – Design

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.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, together with Circulars, Parliamentary 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

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:
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 NPPF.

Policy LP1 goes on further to state that “the council will always work proactively 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 terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess the proposal, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

1. **Impact on Visual Amenity:**

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The proposed rear extension at 50 Benomley Crescent is single storey in height and therefore, will be subservient when viewed in conjunction with the two-storey host dwelling even taking into account the retention of the detached garage. Furthermore, the flat roofing style will further work to reduce any undue bulking and massing posed from the erection of the rear extension, of a simple form which adds no excess height to the proposed extension. For all these reasons, the rear extension will not result in overdevelopment to the rear of 50 Benomley Crescent.

In addition, the side elevations of the extension harmonise with the appearance of the dwelling, further promoting its subservient nature, especially from the wider streetscene of Benomley Crescent and when viewed from neighbouring properties. In addition, the proposed render to the rear is deemed acceptable, not visible from the streetscene and harmonising well with the natural exterior of the rear garden amenity space been a muted green colour, as well as the existing green detailing to the exterior of an existing detached garage to the rear of the property. Additionally, the extent of render will be minimal with glazed bi-folding doors proposed to be erected on this elevation. These glazed bi-folding doors are deemed to be an appropriate contemporary addition to the dwellinghouse.

Taking into account all of the above, it is considered that the proposed extension and alterations would comply with local, national and emerging policies in relation to design.

2. **Impact on Residential Amenity:**

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

The site shares its boundary with various properties. Therefore, development at 50 Benomley Crescent has the potential to have some form of impact upon these neighbours. The impacts that may affect these properties are set out and discussed below:

8 Benomley Crescent – this property is located to the north east and adjoins the application site and has a glazed outshut that does not appear to be used for habitable accommodation. It should first be acknowledged that a small extent of separation distance will be retained between the two properties to the rear as the extension will not be built on the shared boundary. Whilst noting this it is unclear whether the existing boundary hedge could/would be retained. Given the single storey nature of the proposed rear extension and its roof form it is considered that no undue overbearing or overshadowing will be caused for the occupiers of 48 Benomley Crescent. A sunlight calculator has been used to assessed this. It indicates that the proposed rear extension will not result in a detrimental extent of overshadowing in either the summer or winter months. It is noted that sunlight to the rear outshut and garden area would be affected but given projection and scale, not to an undue extent. In addition, the proposed rear extension will not result in any detriment to neighbouring privacy, given that no glazing is proposed to face this neighbouring property, therefore, posing no potential of increased overlooking.

2 Benomley Crescent – this property is located to the south west of the application site. Due to the separation distance present between these two neighbouring properties, and the single storey nature of the proposed rear extension, no undue overbearing or overshadowing will be caused for the occupiers of 52 Benomley Crescent. It should also be acknowledged that both these neighbouring properties have a detached garage located to the side and rear of the host property, therefore, the presence of both these garages between the site of the rear extension and neighbouring property, will further mitigate any potential impacts from development. Finally, the rear extension will not impact negatively upon neighbouring privacy with no glazing proposed to face this neighbouring property.

3. Impact on Highway Safety:

It has been acknowledged that the proposed rear extension will not increase domestic use of the dwelling or alter the existing parking arrangements to the side of the property in conjunction with the driveway amenity space. Additionally, the rear extension will not alter the existing access to and from the property in conjunction with the adjoining highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. 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 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.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Additionally, the proposed rear extension at 50 Benomley Crescent poses no works or alterations to the existing roof above the dominant dwellinghouse. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

6. 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: **2021/90760**
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 Policy LP24 of the Kirklees Local Plan.

Note: Due to its location, 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 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.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Plans – Grouped Plans and Elevations	A.30813.3.110.02_A3	2	26.4.21
Plans – Grouped Plans and Elevations	A.20813.3.110.02_A3	2	26.4.21
Plans – Grouped Plans and Elevations	Existing Elevations and Floor Plans A.20813.0.100.01_A3	-	24.2.21
Plans – Location Plan	A.30813001 Location Plan	-	24.2.21
Supp Info – General	A.30813.C05 Planning Statement	-	24.2.21

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. Amended plans were sought and submitted with regard to the proposed size and scale of the rear extension, as well as the proposed construction materials.

Report Dated: 27.4.21