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:	2021/62/90788/W
Site Address:	2, Fulford Avenue, Fartown, Huddersfield, HD2 2QS
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: 01-Oct-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90788

Site Description

2 Fulford Avenue is a two storey semi-detached dwelling located on the corner of Fulford Avenue and York Avenue. The property is two storeys in height and has a pebble dash rendered walls set above string coursing of stone and has a concrete tiled roof. Within the front elevation of the property is 2 storey projecting bay window. To the front of the site is a paved garden a concrete drive running down the side of the property. To the rear is a concrete yard. Surrounding properties comprises of mainly semi-detached properties of similar design to the application site.

Description of Proposal

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

Two storey side extension

The proposed two storey side extension would lie flush with the front and rear elevations of the property and would project to the side by 3.3 metres for a depth of 3.6 metres reducing to a width of 1.9 metres for a depth of 3.9 metres. The eaves height would match the existing with the roof line also being flush with the existing and within the front projecting section having a roofline which is set down from the existing by approximately 1.5 metres. Within the front elevation would be a bay window which would match that on the existing property.

It is proposed that the extension would be finished with a spray render above a string course of stone. It is also proposed that the existing pebble dash render would be removed from the existing dwelling and a new spray render finish would match that proposed on the extension.

Single storey rear extension

The proposed single storey extension would be located on the rear elevation of the property and would the width of the rear elevation of the existing property. The extension would project 3 metres from the rear elevation and would be 3.4 metres to the top of the flat roof with a roof lantern above. This extension would also be finished in a spray render.

History of negotiations/amendments received

The Agent was contacted as there appeared to be an error on the submitted plans. As a consequence the Agent has submitted an amended plan which corrected this error. The amended plan forms the basis of this assessment.

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 21st 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 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 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 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 has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. 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. This is considered in detail in the report below.

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.

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.

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 issues are considered in the report below.

The proposed benefits from full permitted development rights.

2 –Impact on visual amenity:

The design of the proposal is such that the two storey side extension would have an eaves height and roof ridge height to match the existing with the front projecting section having a roof form which would be set down from the existing roof line. The design of the two storey element of the proposal would broadly comply with the House Extensions and Alterations SPD with the plans indicating that the extension would be set in from the side boundary by approximately 0.8 metres at the narrowest point. This ensures a level of separation between the site and the neighbouring property. It is noted that the extension has a front projecting section of extension and also is not set back from the front elevation however, this would not be out of character with the host property with the bay opening replicated within the extension. The existing dwelling remains as the dominant element within the site and given the width of the extension it is considered that in this case refusal on the basis it is not set back could not be substantiated.

In terms of the single storey extension, this would be set in from the shared boundary by 0.2 metres and would have a projection of 3 metres and would also broadly comply with the SPD. It is noted that the extension is not set in from the shared boundary with the attached neighbour by 1 metre however it is also noted that this element of the scheme could be constructed right up to the boundary without the requirement of planning permission. Due to this extension being single storey, it would appear subservient to the host dwelling.

It is considered that the proposal would have an acceptable impact in terms of size and scale of the extensions, and it is not considered that the works would result in an overdevelopment of the plot.

It is proposed that the existing dwelling would have the pebble dash render removed and a spray render finish would be applied to the existing dwelling and this would match on the proposed extensions. No colour has been

proposed however it is not considered reasonable to impose a condition requiring this to be submitted to the LPA for written approval given the painting of the existing dwelling in any colour could be undertaken under permitted development rights. It is recommended any grant of consent requires the materials of construction to match those used in the construction of the host property.

It is therefore considered that in terms of visual amenity, the proposal would broadly comply with the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

In terms of the impact of the scheme on residential amenity, the property is semi-detached and is attached to No. 18 York Avenue. In terms of the impact of the scheme on this property, the two storey extension is not considered to cause undue harm to this property in terms of overshadowing and/or being overbearing or from overlooking. In terms of the single storey rear extension, this would be set in from the shared boundary slightly and would be adjacent to the 3.4 metre projecting extension on this property. Due to the existing extension on this property, it is not considered that the proposed extension would cause material harm from overshadowing or by being overbearing. The openings within the single storey extension would face the amenity area for the property and therefore there are minimal concerns regarding overlooking.

In term of the impact on the adjacent neighbour, No. 4 Fulford Avenue, the application site is at an oblique angle and is also set forward of this property. The two storey extension is set in from the shared boundary and would be located to the south of this dwelling and therefore there would be some element of overshadowing particularly in the winter months when the sun is lower. Notwithstanding this, there is a good degree of separation between the properties and the openings within the side elevation of the neighbouring property appear to be either non-habitable or secondary openings. The openings within the side elevation of the proposed extension would be obscurely glazed and therefore privacy is protected. With regard to the openings within the front and rear of the two storey extension would not decrease any established separation distances.

It is recommended conditions are included upon any grant of permission requiring the obscure glazed windows to be obscure glazed, and that no further openings are inserted to the side elevation of the proposed two storey extension.

It is therefore considered that in terms of residential amenity the proposal is acceptable and would broadly comply within the House Extensions and Alterations SPD, Policy LP24 and advice within the NPPF.

4 – Impact on highway safety:

Parking is available to the front of the property and whilst not demonstrated on plan, the frontage within the site is hardstanding and it is considered that adequate parking can be provided within the site, limiting the requirement for on-street parking.

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. Due to the small scale nature of development proposed, no specific mitigation measures are required.

Ecology - 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. 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:

None

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: 2021/90788

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 LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, The Council's adopted House Extensions and Alterations Supplementary Planning Document and the NPPF.

4. The development shall not be occupied until the windows in the north western (side) elevation of the two storey extension to side hereby approved have been obscure glazed. The obscure glazing shall thereafter be retained for the life of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, The Council's adopted House Extensions and Alterations Supplementary Planning Document and the NPPF.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no doors, windows or any other openings shall be created in the north western (side) elevation of the two storey extension to side hereby approved
Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, The Council's adopted House Extensions and Alterations Supplementary Planning Document and the NPPF.

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	LP01		8th March 2021
Proposed block plan, existing elevations and floor plans	2020/059/03 – Rev: B		28th September 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 Agent was contacted as there appeared to be an error on the submitted plans. As a consequence the Agent has submitted an amended plans which corrected this error.

Report Dated: 28th September 2021

Coal – low