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:	2021/62/91503/W
Site Address:	9, Howard Avenue, Lindley, Huddersfield, HD3 3DJ
Description:	Erection of single and two storey extensions to side and rear and associated alterations
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: 06-Jul-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91503

Site Description

9 Howard Avenue is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is two storeys in height and has a front stone and mock Tudor half-timbered gable. The side and rear elevations are finished with pebble dash render. Garden areas are located to the front and rear with an original 2 storey projecting gable and single storey outrigger on the rear elevation with a conservatory which is a later addition. To the side of the property is a driveway which leads to a single storey detached garage. The surrounding area is predominantly residential with a mixture of detached and semi-detached dwellings of varying styles and designs.

Description of Proposal

Permission is sought for the erection of single and two storey extensions to the side and rear of the property with associated alterations.

The proposed extension would be in the form of a wrap-around extension which would be set back from the front elevation by 1.5 metres and would be single storey in height rising to two storeys in height at a depth of 3 metres. The roof ridge would be hipped in design and would be set down from the existing ridge by 0.6 metres. The extension would project off the side elevation by 1.85 metres spanning the full depth of the property and projecting off the rear elevation by 3 metres.

The two storey element would span across the rear elevation by 5 metres and is reduced to single storey for a width of 3.3 metres to the shared boundary with the attached property No. 7.

It is proposed that the existing render on the existing dwelling would be removed and it is proposed that a spray render would be used on both the existing dwelling and the extension, to match. The stone string course at the bottom of the ground floor would be replicated within the side and rear elevations. The roof of the extension would be constructed from rosemary roof tiles which would match the existing property. Openings are proposed in all exposed elevations of the extension.

History of negotiations/amendments received

None

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 25th May 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 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 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
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:

In terms of visual amenity, the single storey elements would be to the front of the side extension and to the rear, adjacent to the shared boundary with the attached neighbouring property. The two storey elements would encompass the part of the side and rear elevations. As the extensions would be set down from the existing roof ridge and set back from the front elevation of the property, this would ensure that the works are subservient to the host property. As the roof form is hipped and the adjacent property has a pitched roof a terracing effect would not occur.

The fenestration details would consist of both standard and elongated openings within the front, side and rear elevations and the proposed construction materials would be in keeping with the host property, once the existing dwelling is re-rendered.

It is therefore considered that in terms of size, scale, massing and design that the proposed extensions are considered to be acceptable without resulting in an overdevelopment of the site, would be harmonious with the existing dwelling and the wider character and appearance of the area and are considered to comply with Policy LP24 of the Kirklees Local Plan, the SPD on house extensions and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

With regards to residential amenity, there are proposed openings within the front, side and rear elevations of the extensions. The openings within the front elevation would not decrease any established separation distances due to the front elevation being set back from the front elevation of the existing property. Within the side elevation a door and high level window is proposed at ground floor and en-suite window is proposed at first floor. These are also considered to be acceptable subject to the en-suite being obscurely glazed to protect privacy. Within the rear elevation patio doors are proposed within the ground floor of both the single and two storey extension and within the first floor a window and elongated window are proposed. These would face the garden area of the property and would be separated from the dwellings beyond the rear boundary by approximately 34 metres which is considered to be acceptable.

In terms of overshadowing and/or being overbearing, the extensions would be due south to the attached neighbouring property, No. 7 Howard Avenue. The two storey extension is reduced to single storey for a section adjacent to the shared boundary within reduced the risk of harm to this dwelling. This would avoid an overbearing impact and undue overshadowing impact to the rear windows and garden of this property. As the extension would be north of the adjacent property, No. 11 it is not considered that there would be any direct loss of sunlight to this property and any harm from being overbearing is not considered to be significant.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would comply with both local and national policy. The design of the rear extension provides justification for the scale of the extension in relation to the adjoining property at no. 7 Howard Avenue.

4 – Impact on highway safety:

The existing garage provision would be lost as a result of the extension however the dimensions shown on plan are not of a sufficient width to accommodate a vehicle. The floor plans indicate that the property would be retained as a 3 bedroom dwelling and therefore, there are no requirement to increase the existing off-street parking provision. Parking space would remain

on the drive and it would be possible to create further space within the front garden area if required.

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. The extensions would be constructed using modern construction methods which would increase the thermal efficiency of the property. This is considered acceptable in terms of mitigation against climate change.

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 because there are no obvious cracks or crevices in the existing roof structure where there would be a reasonable likelihood for bats to roost. 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: 2021/91503

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, the adopted SPD on House Extensions and Alterations and advice within the National Planning Policy Framework.

3. The development shall not be occupied until the first floor window in the side elevation of the extension hereby approved have been obscure glazed to a minimum Grade 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained for the lifetime of the development.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan

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		13th April 2021
Existing elevations and floor plans	2020/065/01		13th April 2021
Proposed elevations and floor plans	2020/065/03 Rev: B		13th April 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 6th July 2021

Coal - low