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:	2021/62/92245/W
Site Address:	2, Oak Tree Terrace, Fenay Bridge, Huddersfield, HD8 0DA
Description:	Erection of single storey side extension
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: 10-Nov-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92245

Site Description

2 Oak Tree Terrace is a two storey semi-detached property constructed from stone with a slate roof. The property is set up from the roadside and is accessed via a single width adopted access road which runs along the site frontage. The property has a driveway running along the side elevation of the property with a lawned area to the front and to the rear is a larger lawned garden which slopes upwards from the rear elevation of the property to the rear boundary of the site.

Due to topography the finished floor levels of the dwelling are set up from the ground level and higher than a terraced row on Station Road. Surrounding the site there is an area of open land to the west which is allocated for housing within the Kirklees Local Plan and there are residential properties to the north, east and south.

Description of Proposal

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

The proposed extension would be located on the existing driveway and would project forward of the front elevation of the property by 0.6 metres and would project to the side by 3.3 metres. The extension would be set in to 3.1 metres at the point where the internal steps are and would lie flush with the existing rear elevation of the property. The eaves height would be 2.4 metres rising to 5 metres to the ridge of the pitched roof.

The side elevation of the proposal would be between 0.67m and 0.85m from the boundary.

The proposed construction materials would be stone to the front and rear elevations with a rendered side elevation and roof slates to match the existing roof of the property.

History of negotiations/amendments received

The application was originally submitted as a two storey side extension. Following a site visit to the property, concerns were raised regarding the impact of the proposal on the adjacent terraced row which sit at right angles to the property and have rear elevations and gardens facing the side elevation of the application site where the extension would be located. In addition, the terraced row is set on a lower ground level. The specific concerns were that the extension would be overbearing. Discussions took place between the LPA and the Agent and as a consequence and at the request of the LPA, the

scheme has been amended to be single storey in height and the final set of amendments were received on 8th November 2021. As the proposal resulted in a reduction of built form, the amended plans were not considered necessary to be re-advertised by neighbour notification letter.

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 12th July 2021 – no representations received

Kirkburton Parish Council – No comment

Consultation Responses

None

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 although does fall in a high risk area identified by the Coal Authority in relation to land movement due to former mining activity. The site also fall within an area with a known presence of bats and radon gas.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents (SPD)

- House Extensions and Alterations Supplementary Planning Guidance
- Highways design guide

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 12: Natural environment
- Key Design Principle 15: Provision for parking

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.

With specific regard to the proposed development the SPD states that with regard to side extensions that:

"5.15 Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

5.16 Side extensions should maintain the quality of the environment for neighbours by: Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and Positioning windows to minimise or avoid any potential overlook into neighbouring gardens"

With particular regard to single storey side extensions, these should compliment the original buildings and should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The requirements of the SPD detailed above are taken into account in the following assessment

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:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of

the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of visual amenity, the proposed extension of the property and would sit on the existing driveway. The proposed ridge of the extension would be below the existing eaves of the property and being single storey and of matching materials to the front / rear and material sympathetic to the host property, would appear subservient when viewed against the host property. The construction materials to the front and rear of the property would match the existing and the side elevation would be rendered. Whilst the proposal would introduce render as finishing material on the property, there are other properties located within Oak Tree Terrace which host render as a finishing material and therefore this would not introduce an alien feature. The roofline would be pitched and openings are proposed within the front and rear elevation and within the rear elevation roof slope. No openings are proposed within the side elevation facing the rear elevations and garden areas of the properties on Station Road.

The property would retain a functional amenity space to the rear, as such the proposal is considered to meet the requirement of principle 7 of the SPD. With specific regard to the SPD the extension would not extend more than two thirds of the width of the original house however it would exceed 4 metres in height and would not be set back from the font elevation of the property. In this instance, it is noted the land is sloped and there are other front projection elements to other properties within the street. The proposal has a modest projection forward of the host property and as such, in this case, it is considered the proposal would have an acceptable visual impact.

It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan. Whilst the proposal would not comply with all the requirements of the SPD, the constraints of the site are considered to outweigh the harm.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of overlooking, openings are proposed within the front and rear elevations with no openings proposed within the side elevation facing Station Road. The rear elevation opening to the utility room would not reduce the separation distance between the site and the properties to the rear and therefore there are minimal concerns. With regard to the front elevation, a garage door is proposed. As the accommodation would be non-habitable, there are minimal concerns regarding overlooking from this opening. As there

are no openings within the side elevation, there would be minimal impact on the amenity of the occupiers of the properties on Station Road as a result of overlooking.

In terms of overshadowing and/or being overbearing, the application was originally submitted as a two storey extension. Following a site visit, the Agent was contacted as there were significant concerns regarding the impact of the proposal on the rear elevations and garden areas of the terraced row which sits at right angles to the property and set on a lower ground level. Following discussions with the Agent, the scheme has been reduced to be a single storey extension with a small front projection and this now overcomes the concerns previously raised. It is therefore considered that the application would not cause significant undue harm to the neighbouring properties in terms of overshadowing or being overbearing.

It is therefore considered that the proposal would be compliant with Policy LP24 and Key Principles within the SPD and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposal incorporates garage accommodation within the extension. This would replace the parking space lost on the driveway as a result of the proposal. Within the Kirklees Highway Design Guide SPD, paragraph 5.15 requires that garage spaces should be 6m long and 3m wide. Whilst the width of the garage can be achieved, due to the requirement of internal steps within the garage, the length of the garage falls slightly short of the required length. As this is not a significant shortfall, it is considered to be acceptable in this instance due to the remaining driveway. It is therefore considered that the impact on parking is acceptable.

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. No specific mitigation measures are required in this instance.

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 given the proposal would not impact upon the roof of the existing dwelling.

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: 2021/92245

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, LP22, LP24 and LP30 of the Kirklees Local Plan, Key Principles 1, 2, 3, 5, 7, 12 and 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

3. The external walling on the front and rear elevations and the roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained. The render to the side elevation of the extension hereby approved shall be completed prior to the development being brought into use and of a cream or off white colour finish.
Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework and Key Principles 1 and 3 of the House Extensions and Alterations SPD.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan, existing elevations and floor plans	2141-01		1st June 2021
Proposed block plan, front elevation and floor plans	2141-02G		8th November 2021
Proposed side and rear elevations	2141-03D		8th November 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. Following a site visit to the property, concerns were raised regarding the impact of the proposal on the adjacent terraced row which sit at right angles to the property and have rear elevations and gardens facing the side elevation of the application site where the extension would be located. In addition, the terraced row is set on a lower ground level. The specific issue of concerns were that the extension would be overbearing. Discussions took place between the LPA and the Agent and as a consequence and at the request of the LPA, the scheme has been amended to be single storey in height and the final set of amendments were received on 8th November 2021.

Report Dated:

9th November 2021

Coal – high