

**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: 2021/62/92290/W

Site Address: 5, Banks Road, Golcar, Huddersfield, HD7 4LX

Description: Erection of two storey side extension and formation of 3 parking spaces to front

Recommending Officer: Katie Chew

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.

Emma Thompson

AUTHORISED OFFICER

Date: 22-Jul-2021

Officer Report

Site Description

5 Banks Road, Golcar, Huddersfield, HD7 4LX

The application site relates to a two-storey end-terrace constructed from stone effect brick. The property comprises of single detached garage to the rear, driveway to the south west, and residential/amenity areas to both the front and rear. The dwelling is accessed from Banks Road to the south and is surrounded by residential dwellings in all directions.

Description of Proposal

The application seeks planning permission for the erection of two storey side extension and formation of 3 car parking spaces to front.

The proposed two-storey extension is to be located on the south western elevation of the host dwelling and will measure approximately 7.5m x 2.5m, with a ridge height of 6.9m.

The proposals also seek to replace the existing grassed garden area to the front of the dwelling with 2 additional car parking spaces, the existing hedge will need to be removed to accommodate this change.

Materials to be used within the proposed extension include concrete roof tiles, stone effect brick and white UPVC doors and windows, all to match the host dwelling.

History of negotiations/amendments received

Amended plans were requested by the case officer to ensure that the proposed extension was stepped down from the ridge of the host dwelling and back from the principal elevation to ensure that the extension remained subservient in the interests of visual amenity. Proposed bin storage points were also added.

Relevant Planning History

87/01484 – Erection of private garage. Approved 15th May 1987.

Representations

Final publicity date expires:

Neighbour Letters – Expired 14th July 2021.

No representations have been received to date.

Officer note: The Council 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, details of which are outlined above. Whilst it is acknowledged that amended plans were received after the expiration of the consultation date, these amendments sought to slightly reduce the overall scale and size of the extension and therefore re-consultation was not considered necessary in this instance.

Consultation Responses

No technical consultations required.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located adjacent to a Conservation Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

As the site is without notation in the Kirklees Local Plan (KLP), it is considered that the principle of development in this instance would be acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 124 provides a principal consideration concerning design which states:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The application site is surrounded by residential dwellings in all directions. These dwellings all vary in age, design, scale and size, with a mixture of two-storey terraced, semi-detached, detached properties and bungalows located on the street. The proposal seeks to construct a two-storey side extension and create additional parking to the front of the property. Several dwellings located on Banks Road have been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing it may be acceptable to extend the host property.

Whilst the proposed two storey side extension would be openly visible from the public domain and is somewhat large in scale and size, it would be stepped back from the principal elevation of the host dwelling, and down from the ridge. This would ensure that the proposals appear subservient to the host dwelling and would not appear to dominate the street scene. Moreover, the host dwelling benefits from a curtilage which is considered to be of a sufficient size to support the proposed extensions without amounting to overdevelopment. There would also be a reasonable amenity space retained for the occupiers of the dwelling.

In respect to detailing and design, the applicant has sought to reflect details found within the host dwelling such as the hipped roof proposed, albeit there is no uniform design throughout the streetscene, but hipped roofs can be found within the majority of dwellings on Banks Road. Materials proposed within the extension are to reflect what is currently found within the host dwelling and therefore they are considered to be acceptable in this location. However, in the interests of visual amenity the external materials have been conditioned in this instance.

To conclude, the site is not within a Conservation Area or located in close proximity to any Listed Buildings, and whilst the proposals would be visible to the public, they are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and is in line with the Councils recently adopted SPD for house extensions and alterations.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Furthermore, the Council’s adopted SPD for house extensions and alterations provides additional details under key design principles 3: privacy, 4: habitable rooms and side windows, 5: overshadowing/loss of light, 6: preventing overbearing impact and 7: outdoor space. These will be discussed in more detail within the below assessments.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 3 Banks Road

This neighbouring property is located to the south of the application site. As no windows are proposed within the southern elevation of the proposed side extension there are no concerns in respect to overlooking or loss of privacy. It is noted that during the morning there would be some additional overshadowing towards no. 3 from the proposed side extension, however, this would fall across the existing driveway and would not be for a prolonged period of the day. In addition to this, whilst the proposed extension is somewhat large in scale and size, it will be viewed against the existing two storey dwelling and be stepped down from the ridge of the host dwelling and stepped back from the principal elevation. It is also important to note that no.

3 is stepped further forward into its plot when compared to no. 5, all of the above are considered to help to reduce any concerns in respect to the extension being overbearing on no. 3.

Impact on no. 5A Banks Road

This neighbouring property adjoins the application site to the north and is most likely to be impacted by the proposed car parking to the front of the dwelling. However, given the nature of the alterations, there are no concerns in respect to overlooking, overshadowing or the proposals appearing overbearing in nature. Whilst the proposals will see cars parking in closer proximity to no. 5a, this type of development can be found throughout the street and is not uncommon within a residential area. The existing porches will also act as a buffer between the car parking spaces and the habitable room window to the front.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house extensions and alterations SPD.

4 - Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As the proposals will see a reduction in car parking spaces available on the driveway and within the detached garage the applicant is proposing to create 2 additional car parking spaces to the front of the dwelling by removing the existing grassed garden area and hedging. As the dwelling is to have 3 bedrooms off-street car parking should be made available for at least 2 vehicles. The proposals will provide 3 off-street parking spaces and therefore it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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 proposal is for a small-scale domestic extension to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

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

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/92290

Officer Recommendation: Approve.

Conditions & 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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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 with Policy LP24 of the Kirklees Local Plan and the Council's adopted SPD 'house extensions and alterations'.

2. 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.

3. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans.

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Local Plan Policy LP21.

4. The development shall not be occupied until the first-floor bathroom window on the rear elevation of the extension hereby approved have been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of adjacent neighbouring properties by loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a Section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location and Site Plan	01	B	19 th July 2021
Existing Plans and Elevations	05	-	4 th June 2021
Proposed Plans	10	B	19 th July 2021

and Elevations			
----------------	--	--	--

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 preapplication 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 requested by the case officer to ensure that the proposed extension was stepped down from the ridge of the host dwelling and back from the principal elevation to ensure that the extension remained subservient in the interests of visual amenity. Proposed bin storage points were also added.

Report Dated:

20/07/2021