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:	**2021/62/92598/W**
Site Address:	30, Holly Grove, Lindley, Huddersfield, HD3 3NS
Description:	Erection of extensions and alterations
Recommending Officer:	Ellie Worth

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 30-Mar-2022

Officer report

Site description
30 Holly Grove, Lindley is a detached two storey dwelling constructed from stone with a tiled roof. The buildings design features include a projecting gable to the principal elevation and a single storey lean to, to the rear. Pedestrian and vehicular access can be taken from the northern boundary onto Holly Grove. To the front is a driveway and a landscaped area, along with private amenity space to the rear. Boundary treatment consists of timber fencing and hedging.

The site is situated within a wider residential area, whereby the neighbouring properties vary in design and form, however, the common construction material appears to be stone. The site is unallocated on the Kirklees Local Plan, however, the rear boundary is directly adjacent to Edgerton Conservation Area on the Kirklees Local Plan.

Description of development
The applicant is seeking permission for the erection of extensions and alterations. The measurements of the proposal are as follows:

Two storey front porch:
- 4.2m in height to the eaves; 5.4m in overall height
- 2m in width
- 2m in projection

Two storey rear extension:
- 4.9m in height to the eaves; 7.3m in overall height
- 11.1m in width
- 2.7m in projection

The extensions would be constructed in stone with tiled roofs to match the materials used on the host dwelling. The additional windows would also be UPVC with composite doors. Internally, the works would create additional living accommodation.

History of negotiations/amendments received
Officers raised significant concerns regarding the size, scale and design for the first floor front extension and therefore amendments have been sought to omit this element. Final amended plans were received on the 23rd March 2022.

Relevant Planning History
No previous planning applications at the site.

Representations
The application has been advertised by site notice, neighbour notification letters and the press.
Final publicity expires: 14th February 2022.

As a result of the above publicity, no representations have been received.

Given the amendments sought to originally re-design the front extension, to include the insertion of a first floor side window and to extend the rear extension, officers decided to re-advertise the scheme via a 7 day neighbour notification letter.

However, given that the final amended plans were to remove the first floor front extension, officers did not consider it necessary to re-advertise the scheme, as the impact on amenity would not be greater.

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 but is adjacent to Edgerton Conservation Area.

Kirklees Local Plan:
• LP 1 – Achieving sustainable development
• LP 2 – Place shaping
• LP 21 – Highway safety
• LP 22 - Parking
• LP 24 – Design
• LP 30 – Biodiversity
• LP 35 – Historic environment

Supplementary planning documents (SPD)
• House Extensions and Alterations
• Highways Design Guide

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.
- Chapter 12 – Achieving well design places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the hist environment

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".

With regard to the House Extensions and Alterations SPD, when proposing to extend at property sub paragraph state 4.1 states that:

The council will encourage proposals for house extensions and alterations to implement the key design principles set out below relating to development context, character and the relationship with the built and natural environment. Proposals should aim to achieve a balance between these principles to create sustainable, well-designed extensions and alterations which will have a positive impact on the quality of life for both occupiers and neighbours.

Therefore, in this case, it can be stated that the principle of development is acceptable subject to an assessment on the impacts on visual and residential amenity, highway safety and other material planning considerations.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ''are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers''.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that ''the creation of high quality buildings and places are 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''.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

• Principle 1 - that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
• Principle 2 - that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

In this case, the application proposes to erect a front porch, to extend the dwelling two storeys to the rear and to insert a side window within the eastern elevation. The additional works would make the host property more prominent within the street scene, however the front porch extension would be similar to those that already exist on some of the surrounding properties. The two storey rear extension would be designed with two gables. Nonetheless, the proposal would not result in the overdevelopment of the plot, as the site benefits from a modest curtilage.

Front porch/tower:
Paragraph 5.14 of the aforementioned SPD states that:
Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- *The house is set well back from the pavement or is well screened; and*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.*

In this instance, officers have noted that similar built form already appears to exist on neighbouring properties. Therefore, given the size and scale of the development proposed and the fact that it would harmonise with the character of the area, no concerns have been raised. The materials would also be stonework to match.

In terms of fenestration, a large opening is proposed within the front elevation. This has been designed to add a contemporary feel to the extension and there are no concerns with regard. At ground floor a new pedestrian door is proposed.

Overall, given the relatively small size and scale of this feature, no concerns have been raised from a visual perspective.

Two storey rear extension
Paragraph 5.8 of the House Extensions and Alterations SPD states that:
Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- *be proportionate to the size of the original house and garden; not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);*
- *not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;*
- *not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;*
- *be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and*
- *not adversely affect habitable room windows where they adjoin a neighbour's boundary.*

In this instance the extension would be proportionate to the size of the building and would only project out from the rear of the building by 2.7m. The existing lean to would also be demolished as part of this proposal. The extension would be set in from the western boundary by approximately 2.2m but would fall short of the 1.5m identified within the guidance to the east, as this would be in set by 1m. However, given that the existing property already has this relationship with the neighbouring property it would result in a poor visual finish, if the extension was to be inset an additional 0.5m. Therefore, any impact can be supported.

With regards to design, the extension would benefit from two rear gables. These have been considered acceptable from a visual perspective, as they would help reduce some of the bulk and massing, whilst keeping in with the original form of the host property.

In terms of fenestration double doors have been proposed at ground floor, with additional windows at first floor. The design of these have been considered acceptable and therefore can be supported.

Materials would be to match the existing property.

External alterations

The submitted plans show a new window to be inserted into the eastern facing side elevation of the host property. Whilst officers have raised concern regarding its relationship with the neighbouring dwelling, no amendments have been received to re-configure this opening within the internal layout. However, from a visual perspective, no concern has been raised, as it would have a similar design finish as those that are proposed within the rear elevation of the two storey extension. As such, this aspect can be supported.

Therefore, having taken into account the above, it has been assessed that the proposal would harmonise, to an acceptable degree, with the host dwelling and surrounding development, the character of the area and the wider street scene, complying with the main elements of Policy LP24 of the KLP, the aims of the Councils House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3. 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:
• Principle 3 - that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
• Principle 4 - that “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”
• Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
• Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
• Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

With regards to residential amenity, no.s 11, 28 and 32 Holly Grove and no. 8 West Avenue are the nearest residential properties to the application site.

No. 28 is the neighbouring property in which is situated to the West. It has been noted that there would be no material impact upon these neighbours amenity as a result of the front porch/tower, as it would obscured to some degree with the existing garage.

With regards to the rear extension, there would be some additional built form, however, this is unlikely to have a detrimental impact upon these neighbours rear openings or their outdoor garden space due to the orientation of these properties with one another. More specifically, any overshadowing would only be visible within a morning, with the main impact being from the host dwelling itself. An adequate outlook would also be retained.

Lastly, in terms of overlooking, the submitted plans show no new windows to be proposed within the side elevation of the rear extension. Future first floor side openings would be controlled under the GPDO and any outlook from future ground floor openings would be mitigated by the existing boundary hedge. As such, this relationship can be supported by officers.

32 Holly Grove is the neighbouring property to the East of the application site. It has been noted that there would be no material impact as a result of the front porch/tower. This is due to the nearest built form at these neighbours being their integral garage, along with a separation distance of 6.8m.

To the rear, it has been noted that these neighbours are situated slightly further back into their plot. As such, the two storey rear extension would only project beyond these neighbours rear elevation by 1.3m and therefore officers are satisfied that there would be no undue overshadowing or overbearing.

In terms of overlooking, the submitted plans show no new windows to be inserted into the eastern facing side elevation of the two storey rear extension, which will help protect these neighbours amenity. However, due to the slight change in levels and the close proximity, officers consider it necessary to remove permitted development rights for future ground floor windows. First floor side openings would be controlled under the GPDO. As such, a condition to restrict this will be attached to the decision notice.

Lastly, it has been noted that the plans propose to insert a new side opening within the eastern facing side elevation of the host dwelling, at first floor. Whilst this would not have a direct impact upon these neighbours amenity, due to their western elevation being blank and the opening being at an oblique angle with their outdoor amenity space, officers consider the opening to have to potential to restrict any future development at these neighbours, especially, if they wanted to extend above the existing garage/lean to. Therefore, it has been considered reasonable to condition that the new opening is obscurely glazed. Officers have also outlined this concern with the agent and asked for the internal layout to be re-designed to omit this element, however, no amendments have been sought. As such, a condition to ensure that this opening is fitted with obscure glazing will be attached to the decision notice accordingly. This is to comply with Policy LP24 of the KLP.

8 West Avenue is the neighbouring property to the rear of the application site. There would no be further impact upon these neighbours amenity as a result of the front extension. However, the built form would also be intensified to the rear of the site. Nevertheless, a separation distance of 17m would be retained to these neighbours nearest rear elevation, from the two storey extension. As a result, there would be no detrimental overbearing, overshadowing or overlooking by the development proposed.

11 Holly Grove is the neighbouring property to the North of the application site. It has been noted that a separation distance of 20m would be retained from these neighbours projecting gable to the front porch, including a highway. As such, there would be no significant impact in terms of overbearing, overshadowing or overlooking, as the proposed tower/porch would be limited in size and scale and therefore would have minimal impact upon these neighbours amenity.

There would also be no further impact from the two storey rear extension, as this is located to the south of the application site.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan, principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions & Alterations SPD and policies 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.

Whilst the proposal has the potential to intensify the built form at the site, officers have noted that three off street parking spaces would be retained on the existing driveway. Therefore, despite the integral garage already of being subdivide, an acceptable level of on site parking would be retained. This is to accord with Policies LP21 andLP22, the KLP and the aims of the Highways Design Guide SPD.

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 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 is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extension would be constructed from stone in which is considered to be natural material that can be sourced locally. The use of additional openings to habitable rooms would also reduce the need of artificial lighting and improve solar passive gain. Lastly, a condition will be attached to the decision notice to state that the extended driveway shall be laid in a permeable surface in accordance with Chapter 14 of the NPPF.

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.

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 licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations
No representations have been received.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2021/92598
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 Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match the materials used in the construction of the existing building, in accordance with the details shown on the approved plan.
Reason: In the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the eastern facing side elevation at ground floor within the rear extension hereby approved.
Reason: So as not to detract from the amenity of the nearby property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. The window within the eastern facing side elevation of the host dwelling, to serve a bedroom, shall be 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 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: To protect the amenity of the neighbouring property, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:
07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	GA 100	-	24th June 2021
Existing floor plans and elevations	ST21.201-STSQ-A1-A-1101	A	1st March 2021
Proposed floor plans and elevations	ST21.201-STSQ-A1-A-1102	E	23rd March 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 Planning 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. In this instance, officers raised significant concerns regarding the size, scale and design for the first floor front extension and therefore amendments have been sought to omit this element. Final amended plans were received on the 23rd March 2022.

Report Dated: 29th March 2022