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:	2021/62/92843/W
Site Address:	2, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Conversion of garage and staircase enclosure extension
Recommending Officer:	Tom Hunt

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: 07-Sep-2021

Officer Report

Site Description

2021/92843 – 2, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Conversion of garage and staircase enclosure extension

No. 2 is a large detached bungalow with a gated driveway from Inglewood Avenue and a large garden amenity space to the rear. There is an attached double garage on the east side of the bungalow which due to ground level changes (falls from west to east) is two storey. It is situated behind No. 4 with no visible impact on the streetscene apart from the driveway. It is faced with stone and render and with slate roof. The local area is residential with properties of different styles and types mainly being large properties.

Description of Proposal

Conversion of garage and staircase enclosure extension

It is proposed to convert the garage to ground floor living quarters to include a bedroom, ensuite and kitchen with staircase access to ground floor. Openings proposed are door and window to its primary elevation and it is to be faced in coursed stone at lower ground floor to match the host with the first floor unaltered.

A two storey front extension is to be erected 2.1m by 2.1m to be 4.7m height from sloping ground level and placed within a corner, mostly roofed by an existing roof slope overhand to the main dwelling with a small section to be flat roofed 0.5m by 0.5m. This would be faced in stone and render to match the host. One opening is proposed on ground level replacing an existing window and none proposed for lower ground level for the primary elevation; for the side elevation facing west there would be a window in place of the existing window to the dwelling at ground floor. This would serve a staircase only.

History of negotiations/amendments received

The case officer considered the application on review and sought to clarify the roof design of the enclosure with no amendments necessary as it met LP policies on visual and residential amenity.

Relevant Planning History

2017/91394 – Erection of detached garden room. Approved.

89/05469 – Re-roofing and general refurbishment of existing bungalow. Approved.

Representations

We are currently undertaking 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 which expired on: 26/08/2021

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways Development Management – Adequate off street space to compensate for the loss of a double garage. No objections.

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 unallocated on the Kirklees Local Plan. It is within a Bat Alert Layer and Low Coal Risk area.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**

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 of the host property and the wider street scene. This is considered in detail in the report below.

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-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
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, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".

The two storey front extension would be principally set under the host dwelling's roof eaves and be of modest width and projection aiding in the extension's scale appearing subservient to the main dwelling. The extension would not be viewed from the highway, and be constructed from materials which match the host dwelling materials with no visual impact on the streetscene. The design of the roof would be low impact with the existing roof plan. The projecting 'corner' of flat roof would slightly jar with the principal dwelling but to alter this roof form would likely require alterations to the main roof of the property. Both the side and rear elevations would be seen against the backdrop of the host property which would mitigate the visual impact of this specific design feature (to an acceptable extent).

The SPD states that:

"Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable". In this case the extension would not be visible from any 'street scene'. The property is discreetly located off a driveway with no real passing traffic or access route. The extension itself would be viewed against the principal dwelling and could reasonably be considered a side extension rather than a front extension. Furthermore it is small in scale and is otherwise acceptable when considered against general design policies of the SPD.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 2a (north) and No. 4 (east).

With regard to No. 2A, the proposed changes would be mostly screened by the boundary wall and hedging between the properties, have a separation distance of 20m to windows which are angled away with no direct views and add very little bulk to No. 2, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Considering impact to No. 4, the staircase extension would have one non-habitable room window facing No. 4's which would with the change in levels face out 10m distance to between the ground and first floor window facing it, already having a pre-existing relationship with No. 4 and with a slight increase in massing for these reasons would have no additional detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would have sufficient off street parking available to it following assessment by the HDM Officer and therefore would not cause additional harm to highway safety.

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 limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population and the roof of the host property appears well-sealed with no cracks or crevices. . An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease

and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had 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 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: 2021/92843

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 Policy LP24 of the Kirklees Local Plan.

3. The external wall materials of the extension 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 and the adopted Supplementary Planning Document on House Extensions and Alterations.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location plan	-	21/07/2021
Plans – Existing Elevations	Site Plan. Drawing No. 21/60.	-	21/07/2021
Plans – Existing Floor Plans	Existing Part Front Elevation. Dwg no.21/60.	-	21/07/2021
Plans – Proposed Elevations	Existing & Proposed. Dwg no. 21/60/A . Revision: A.	A	21/07/2021

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 case officer considered the application on review and after clarification on roof form, sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 06/09/2021