

**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: 2021/62/93211/W

Site Address: 46, Austin Close, Lindley, Huddersfield, HD3 3ZQ

Description: Erection of single and two storey rear extension and exterior alterations

Recommending Officer: Sam Jackman

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: 02-Nov-2021

SITE DESCRIPTION – 2021/93211

46 Austin Close, Lindley is an artificial stone semi-detached property with a concrete tiled roof, a newly built property part of a residential development still under construction.

Due to the topography of the area, the front elevation is 3-storey with the rear elevation being 2-storey.

The property benefits from a single garage to the side of the property attached to the neighbour's single garage.

DESCRIPTION OF PROPOSAL

The application is for a part two storey part single storey rear extension the single storey element being the full width of the rear elevation of the property with a first-floor extension partly over. The extension would enlarge the existing living room area and the existing 4th bedroom.

The measurements of the single storey element are as follows:

- 3m in projection
- 5.2m in width
- 2.4m in height to the eaves; 3.4m in overall height with a lean-to roof

The measurements of the first-floor element are as follows:

- 3m in projection
- 3.2m in width
- 4.6m in height to the eaves; 6.2m in overall height with a hipped roof

The extension would be built from materials to match the host property.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F93211>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being concluded as acceptable in its submitted format (discussed in the 'Assessment' section of this report).

RELEVANT HISTORY

The only planning history relates to the residential development of the site and wider estate which the dwelling forms part of.

PUBLIC/MEMBERS RESPONSE

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 the 22.10.21, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan and falls within an area with a known presence of bats and also an area at low risk of ground movement as a result of former mining activity.

The following policy is therefore considered to be applicable in the consideration of this application:-

Kirklees Local Plan (LP):

- **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, together with Circulars, Parliamentary 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 & coastal change.

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (SPD)

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.

Legislation

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).

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

Impact on visual amenity:

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

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the now adopted Kirklees Supplementary Planning Document on House Extensions (SPD). Within the newly adopted 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.”

5.1 followed by 5.2 of the Supplementary Planning Document refers to the general rules, where a rear extension should:

- principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

5.6 of the Supplementary Planning Document specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

5.8 goes on to refer to 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 case the extension has been designed to reflect the host property with regards to the roof design and would be built from matching materials. The extension is relatively small in scale, remaining subservient to the host building.

The extension would allow access to the rear garden and would not project beyond the gable. Therefore, there would be limited view from the street scene, albeit the 2-storey element would be partially visible through the open vista over the existing garages due to the difference in levels. However, this view is limited and given the design of the proposal, subject to condition the extension is construction from matching materials, is not considered to harm the visual amenities / character of the host property / wider street scene.

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within 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, 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

No.46 has two side neighbours; the attached no.48 Austin Close and the detached no. 44 Austin Close which is separated by the existing garages for both properties. There are no properties to the front and the properties to the rear would be No's 16 & 18 Wadsworth Fold.

The proposed single storey extension in this case would be built close to the boundary with No. 48 which is to the south of the application site where the extension would have an overall projection of 3m with a lean-to roof having an overall height of 3.4m. This part of the proposal would comply with the Supplementary Planning Document for household extensions and could also be constructed under permitted development rights were it single storey only.

The two-storey element would be set approx. 2m from the shared boundary, with a projection again of 3m. The ridge over the extension would be set down from the host property, having a hipped roof reducing its bulk. Therefore, it is concluded the rear extension would have limited overbearing or overshadowing of this neighbour given the size and position of the extension.

The neighbour to the north (No.44) is over 8m from the proposed two storey extension, where the existing garages in part would provide some screening along with the existing boundary fence. Therefore, the rear extension is considered to have a limited overbearing or overshadowing impact upon this neighbour given the separation distance and position of the extension.

With regards overlooking for the neighbours either side there are no windows proposed in the side elevations, therefore, no increased levels of overlooking would occur.

The properties to the rear are at a slightly higher level with an existing separation distance of 30m which would be reduced to 27m, retaining adequate separation distance for the current situation and for future extensions for both these properties to ensure no significant overbearing, overshadowing or overlooking occurs.

Therefore, it is considered that the proposed extension is acceptable in terms of residential amenity. It is considered there will be no impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the NPPF

Impact on highway safety:

Policy LP22 of the Kirklees Local Plan, and Key Design Principle 15 of the adopted House Extensions & Alterations SPD seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The extension in this case would increase the amount of liveable space in the property and enlarge an existing bedroom, however, given the current arrangements it is not considered necessary to require additional parking to be provided given the number of bedrooms would remain unaltered .

As such the proposal is concluded to meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety the SPD and advice in Chapter 12 of the National Planning Policy Framework.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

Protected Species –

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area and the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats to roost within the dwelling.

As such, subject to informative note drawing the applicant's attention to the potential for bats to be present and the requirement for works to cease should they be encountered, the development would be considered to have little impact on bats. Subject to informative the proposal is considered to be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2021/93211

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 51 of the Planning and Compulsory Purchase Act 2004.

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, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions & Alterations SPD and Chapters 2, 12 and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials used in the construction of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Chapters 2 and 12 of the National Planning Policy Framework.

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.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Application Form		12 th August 2021
Location Plan 1:1250	2196-D-20-001	12 th August 2021
Existing & proposed site Plan 1:100	2196-D-20-002	12 th August 2021
Existing floor plans	2196-D-20-003	12 th August 2021
Proposed floor plans	2196-D-20-004	12 th August 2021
Existing & proposed elevations	2196-D-20-005	12 th August 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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

29.10.21

Coal – low risk