

**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: 2021/62/93254/W

Site Address: 52, Virginia Road, Marsh, Huddersfield, HD3 4AZ

Description: Erection of single storey rear and two storey side extension

Recommending Officer: Tom Hunt

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: 07-Oct-2021

Officer Report

Site Description

2021/93254 – 52, Virginia Road, Marsh, Huddersfield, HD3 4AZ

No. 52 is a two storey end-terraced dwellinghouse on a corner plot. It is natural stone built at the primary elevation, rendered cream to the side and rear elevation and has a slate tile gable roof. There is outside amenity space front, side and rear with a garage outside the rear of the rear garden with access off Haywood Avenue.

It is bounded by a low stone wall to the front with hedging atop and to the side, a trellis fence with substantial greenery. It benefits from two rear extensions, one of which is a conservatory and the other a shared shed. It is not within a Conservation Area or adjacent to a PROW however there is a TPO to the rear outside of the rear garden (ref: 20/85/t1).

Description of Proposal

Erection of single storey rear and two storey side extension

The application relates to a proposed two storey side extension projecting 3.3m from the side elevation, 5.6m width and set back from the primary elevation by 1.45. It would have a gable end roof with a roof ridge height of 7.7m and eaves at 5.6m from ground level which would have a roof ridge be set down from the host's by 0.8m. This is to be faced in stone at primary elevation, render to the side and rear with slate tile as materials to match the host. Opening proposed are solely to front (bifolds and window) and rear (window).

To the rear, a single storey extension would project from both the host (1.3m) and side extension (2.3m) and would have a width of 5.91m leaving half of the host's rear elevation exposed. The lean to roof would have a roof ridge height of 3.6m and eaves at 2.6m from ground level. The single storey extension would be finished in render and slate tile. The openings proposed are solely to the rear (windows and door).

The proposal would add a dining room towards the front and to have a shower-room, storeroom, utility towards the rear on ground floor. To the first floor, an additional bedroom rendering the property a 4 bed.

A shared shed at the rear would be demolished on No. 52's side.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

87/03636 – Erection of detached garage. Approved. 2015/92381 – Works to TPO(s) 20/85. Granted.

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: 24/09/2021

One representation have been received; a summary of the comments received is set out below:

- Clarification – a TPO is to rear whereby application stated no trees.

Officer Note: This TPO is outside the boundary and the Trees Officer was consulted on the impact towards this tree.

- Plans – Shared shed is not visible on proposed and is visible on the proposed rear elevation. An objection was raised on the removal of this shed.

Officer Note: Plans correspond with each other, the shed is to be demolished on No. 52's side. This is a private matter and not a planning consideration. A footnote has been attached for clarity.

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 – Support with no specific conditions applied.
- Trees – The proposals for the extension to the rear will bring the property closer to the tree canopy however there is sufficient clearance and room to accommodate this. 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 not within a Bat Alert layer however is within a low risk coal 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 33 – Trees**

Kirklees Council has adopted its 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.

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, the 'House Extension and Alterations SPD' 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”.

In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, and Principle 7 – Outdoor space, of the 'House Extension and Alterations SPD' is relevant.

The two storey side extension would be set down from the host dwelling's roof ridge, be of modest width and projection while being set back from the primary elevation aiding in the extension's scale appearing subservient to the main dwelling. At the ground floor the small scale rear extension would have a new lean to roof which would also be considered to be a subservient and small scale alteration. The rear extension would be viewed from the highway at certain angles, constructed from materials which match the host dwelling materials and the proposed is of reduced proportions to the host aiding in being of little visual impact on the streetscene. The design of the roof would harmonise well with the existing roof.

Turning to the 'House Extension and Alterations SPD' regarding extensions on the corner of a road, where it advises that architectural details are included on side elevations of corner plots. Given the limited separation distance to the opposite properties No. 2 and 8 Haywood Avenue, it is not considered that it would be in the best interests of residential amenity to include such windows. Furthermore the significant set back and down of the extension, and its set off from the site boundary ensures that it has a good subservient appearance. The bifolds at the primary elevation's whilst a new feature on the principle elevation of dwelling is the street is set back from the primary elevation which would mitigate its impact on the streetscene and be of an acceptable design.

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.*”

In addition, the 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light and Principle 6 – Preventing overbearing impact.

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. The closest properties to be affected by the development are No. 2 Portland Close (north), No. 2 and 8 Haywood Avenue (west), No. 50 (southeast) and No. 51 (southwest).

With regard to No. 2 to the rear, the proposed would have a separation distance of 17m to habitable windows mitigated by the angled position to No. 52 affording no direct views inside and screened in part by the TPO, and with the extensions would be of modest dimensions which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Considering impact to No. 2 and 8, the side and rear extensions would be to the east of the properties with no facing windows, with a separation distance of 17m and be set down from the host dwelling roof ridge line which would on balance be a scheme that would ensure that there be no additional detrimental overbearing, overshadowing or overlooking impact.

Turning to No. 50, the side extension would be blocked off from No. 50 being screened by the host dwelling and would not contribute to detrimental overbearing, overshadowing or overlooking impact. The single storey rear extension would be set back from the properties shared boundary by approximately 2.85m, to the northwest of the property and would not have any windows facing its neighbour. The removal of the conservatory and No. 52's shared shed would reduce bulk, massing and overlooking from the conservatory's current glazing, whilst it is noted that the shared shed would be removed on balance, the proposed rear elevation would be of simpler design removing visual clutter and would not contribute towards detrimental impact on overlooking, overshadowing or overbearing for these reasons.

No. 51 is opposite and a separation distance of 21m is achieved which ensures there would no detrimental overlooking, overshadowing and overbearing impact which would accord with the 'House Extension and Alterations SPD'.

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 intensify use with one additional bedroom proposed and so considering the limited site constraints to provide additional off street parking, the HDM Officer was consulted. It was noted that the current off street parking space did not meet the Highways Design SPD internal specifications for parking modern vehicles and that the driveway was also insufficiently proportioned in length to be an off street parking space. However it is considered that there is sufficient on street parking adjacent the dwelling on Haywood Avenue which is 18m in length and could accommodate 3 cars and there is also space to the front of the dwelling for another car. Whilst it would be preferable to have at least one parking space at the site which meets the standards, given that the works are to an existing dwelling and the above circumstances on balance it is not considered that the proposal would be detrimental 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.

6 – Representations:

One representation 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: 2021/93254

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 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.

Footnote: Please note that the granting of planning permission does not override any private 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 may involve access to land outside your ownership

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	Existing Plans & Elevations. Drawing No. 2021-021-(20)001. Job No. 2021-021. Revision: -.	-	16/08/2021
Plans - Grouped Plans and Elevations	Proposed Plans & Elevations. Drawing No. 2021-021-(20)002. Job No. 2021-021. Revision: -.	-	16/08/2021

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 sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 05/10/2021