

**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: 2021/62/93321/W

Site Address: 84, Chiltern Avenue, Lindley, Huddersfield, HD3 3PF

Description: Erection of side extension, dormer extension and alterations

Recommending Officer: Laura Yeadon

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: 07-Oct-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93321>

Site Description

84 Chiltern Avenue is a semi-detached hip roofed bungalow located within a residential area which is unallocated on the Kirklees Local Plan. The property has a front elevation which is stonework with a front projection which is red brick. The side and rear elevations are also constructed from red brick with a conservatory located on the rear elevation and a uPVC porch on the side elevation. The property is set up from the roadside and is separated from the roadside by a front lawned garden and is within a triangular shaped plot. Along the southern boundary is a concrete driveway which leads to a detached prefab garage.

Description of Proposal

Permission is sought for the erection of a side extension, dormer extension and alterations.

Side extension

The proposed side extension would lie flush with the existing lounge, set back from the kitchen by 1.2 metres and would project to the side by 3 metres. The extension would span the depth of the property and would lie flush with the existing rear elevation. Due to the boundary line the extension would be stepped in towards the rear of the property to a width of 2.2 metres. the existing roof would be altered from a hip to a gable to create accommodation within the roof space. The proposed construction materials are facing brickwork to the walls and concrete tiles for the roof.

Dormer extension

A dormer extension is proposed within the rear elevation roof slope. The dormer would be set up from the gutter line by 0.6 metres and set down from the ridge by 0.2 metres. The dormer would be set in from the side elevation by 3 metres and set in from the shared boundary with the attached property by 1.5 metres. The dormer would be a total width of 5.5 metres with a height of 2 metres and a projection of 3.5 metres with a flat roof. The proposed construction materials would be uPVC cladding. No proposed colour of the cladding has been submitted.

Alterations

The proposed alterations to the property include a new stepped entrance to the side elevation, roof lights within the front and rear elevations an internal alterations to create accommodation within the roof space

History of negotiations/amendments received

No negotiations have taken place during the progress of this application.

Relevant Planning History

2021/92138 – Erection of side extension, front dormer extension and alterations –
Refused 20th July 2021

Representations

We 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.

Final publicity date expired 28th September 2021 – one letter of representation has been received in support of the application. A summary of comments is as follows:

- Application should be approved because many of the surrounding properties have had extensions and dormer fitted to their properties
- Application would enhance the property

Parish/Town Council comments – not applicable

Consultation Responses

None required

Policy / 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).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Parking
- **LP 24** – Design

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, 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 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Guidance

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.

Kirklees Street Design Guide

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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.”

The application has been submitted following the refusal of planning permission under application number 2021/92138. The reason for refusal is detailed as follows:

‘1. The proposed development by reason of its scale and siting when cumulatively assessed against the original property would not result in a subservient addition to the host building. In addition due to the scale, siting and materials of the proposed front dormer extension would result in an incongruous feature on the host dwelling and in the wider street scene which would not comply with Policy LP24 a and c of the Kirklees Local Plan, advice within the Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.’

With regards to the House Extensions and Alterations SPD with regard to bungalows, under sub-paragraph 5.31 the SPD states:

‘Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.’

Sub-paragraph 5.32 goes on to say that.....*‘Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually unacceptable where the roof pitches and heights in the street scene are consistent.’*

With regards to single storey side extensions, the SPD states that these should:

- Not extend more than two thirds of the width of the original house;
- Not exceed a height of 4 metres; and
- Be set back at least 500mm from the original building line to allow for a visual break

In relation to dormer windows and roof extensions, Section 5.4 states that:

‘5.24 Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.’

5.25 The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the

original roof retained. There are different roof types, which can be used to provide extra space within a home.'

The planning history for this site forms a material consideration to which weight is afforded in the determination of this application. 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 concluding the development to be acceptable.

2 –Impact on visual amenity:

In terms of visual amenity, the property is located within a residential area which is comprised of mainly semi-detached properties which are mainly hipped roofed with some gable roof designed bungalows in the locality. The development proposed within this application would result in a side extension, hipped to gable roof form and a dormer extension within the rear of the property. The hip to gable would see a pair of semi detached properties with two differing roof types, however it is noted the gable section of the proposal would face an existing gable roof designed property.

The proposal has been submitted following the refusal of planning permission. The changes to the scheme are the relocation of the dormer extension, to be within the rear elevation roof slope and also a reduction in the size of the dormer. It was previously considered that the resultant mass of the extensions and the siting of the dormer to front would not result in the works being subservient and would be incongruous within the street scene and contrary to Policy LP24 (c).

The dormer is located within the rear elevation of the property and therefore much less prominent within the street scene and would also comply with the details contained within the SPD. The submitted application form sets out the intention for the dormer to be constructed from UPVC materials, it is considered that this would be acceptable subject to the colour finish being dark grey, and any grant of permission is recommended to be subject to condition requiring this to be the case.

Para. 5.31 of the Extensions and Alterations SPD states that increasing the height or amending the roof pitch will significantly affect the character of the and proportions of the building and will impact on the street scene. In this instance, there is no proposed increase in height to the building however it is proposed to amend the roof pitch. It is important to note that the property hosts full permitted development rights and therefore a hip to gable alteration and a side extension could be constructed without the requirement of planning permission. Notwithstanding this, there are no previous applications for a Certificate of Lawfulness to demonstrate a fall back position. However taking account of the fact that there is a potential to utilise permitted development rights for such works, and the gable element of the proposal is opposite another gable roof bungalow, it is considered that in this case there is no sufficient justification to refuse the application on this basis.

The proposed materials of construction for the extension are considered to be acceptable and would be in keeping with, and match, the host property. Subject to condition this is the case the proposal is considered to meet the requirements of policy LP24 of the Kirklees Local Plan and the supporting SPD in this regard.

However there are concerns with the proposed construction materials for the dormer being PVC cladding. The SPD states under sub-para. 5.27 that dormer windows should be design in a style and with materials to match the existing house. It is noted that the previous Officer Report cited that uPVC cladding for the dormer was not acceptable however due to the relocation of the dormer on the rear of the property and as the conservatory is uPVC, this is now considered to be acceptable subject to condition the colour finish is dark grey.

It is therefore considered that the proposal has overcome the previous reason for refusal and that subject to conditions the proposed works would broadly accord with the requirements of the SPD and Policy LP24 of the Kirklees Local Plan.

3 – Impact on residential amenity:

Openings are proposed within the front and side elevation of the extension and the rear elevation of the dormer, with roof lights proposed within both the front and rear elevations. In terms of the openings within the dormer extension, these would face the garden area of the property and the side elevation of No 80 Chiltern Avenue. The dormer would be set in from the ground floor rear elevation and the separation distance between the site and this property is approximately 16 metres which is considered to be acceptable. In terms of the front elevation opening within the side extension, this would not decrease any established separation distances and is therefore acceptable. In terms of the side elevation openings, these would face the side elevation of No. 86 albeit at an acute angle. The proposed plans are annotated and states that the side elevation window/door shall be obscurely glazed and therefore there are minimal concerns regarding overlooking. It is not anticipated that there would be significant harm from the proposed roof lights.

With regard to overshadowing and/or being overbearing as the side extension would be to the north of the neighbouring property, No. 86, it is not considered that there would be a significant loss of light to this property. With regard to being overbearing, due to the minimal openings within the side elevation of the neighbouring property, it is not considered that the extension would cause significant harm from being overbearing. As such, it is considered that the proposal is acceptable from a residential amenity perspective and would comply with both local and national policy.

4 – Impact on highway safety:

Policy LP21 of the Kirklees Local Plan, and the guidance within the Kirklees Street Design Guide set out requirements in relation to parking provision for developments.

The existing garage would be demolished to facilitate the extension to the side. The submitted site plan (Dwg No. 21/629/05A) indicates that 2 no. off-street parking spaces can be provided within the site. This would result in the partial loss of the lawned garden. A condition is recommended to be attached to ensure that the parking spaces are created from a permeable surface.

Subject to condition the proposal is considered to accord with Policy LP21 and the Kirklees Street Design Guide

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 nature of the works proposed, it was not considered necessary to request specific mitigation measures.

6 – Representations:

One letter of support has been received with the following comments and LPA response:

- Application should be approved because many of the surrounding properties have had extensions and dormer fitted to their properties
- Application would enhance the property

These comments are noted.

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: 2021/93321

Officer Recommendation: Approve

Conditions

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 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, LP24 and LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walling and roofing materials of the side and roof extension hereby approved shall in all respects match those used in the construction of the existing building. The external wall and roof materials shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been hardened with a 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 parking of vehicles for the lifetime of the development.

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

5. The development hereby approved shall not be brought into use until the front and sides of the dormer to rear have been completed in a dark grey

colour finish which shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan, The Council's adopted House Extensions and Alterations Supplementary Planning Document and the NPPF.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	21/629/01		20 th August 2021
Existing block plan	21/629/02		20 th August 2021
Existing elevations and floor plans	21/629/03		20 th August 2021
Proposed elevations and floor plans	21/629/04b		20 th August 2021
Proposed block plan	21/629/05a		20 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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 7th October 2021

Coal – low