

**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: 2021/62/93419/W

Site Address: 3, Brendon Drive, Birkby, Huddersfield, HD2 2DF

Description: Erection of side and rear extensions and external 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: 07-Jan-2022

Officer report

Site description

3 Brendon Drive, Birkby is detached property predominantly faced in brick, with an element of timber clad to the principal elevation. The property appears to benefit from a small garden to the front, along with on site parking, an attached flat roof garage to the side and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front of the site onto Brendon Drive. Boundary treatment consists of walling and timber fencing. There is also a change in topography within the area, with land levels falling from West to East.

The site is situated within a wider residential area, whereby a number of properties appear to have been extended. Nonetheless, the common construction material is brick. The site is also unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of side and rear extensions and external alterations. The measurements of the extensions are as follows:

First floor side extension:

- 5m in projection
- 7.4m in depth at two storey (9.7m to include ground floor lean to)
- 5.2m in height to the eaves; 8.8m in overall height

Two storey rear extension:

- 1.8m in projection
- 5.4m in width
- 5.2m in height to the eaves; 8m in overall height

The extensions would be constructed from brick with an element of timber clad to the front elevation. The roofs would be constructed from grey double roman tiles. Internally the development would create additional living accommodation, include two more bedrooms.

The external alterations would include the removal of the existing garage door and the insertion of two windows. On site parking will be retained to the front of the dwelling.

History of negotiations/amendments received

Officers raised significant concerns regarding the design of the extensions and therefore final amended plans were received on the 1st December 2021 and 6th January 2022.

Relevant Planning History

At the application site:

2013/91230 Works to TPO(s) HU2/68 – 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 the 10th December 2021.

As a result of the above publicity, one representation has been received in support of the application. The comments are highlighted below:

- We have no objections to the first floor side extension and alterations. In fact, we welcome it as it means the neighbours will be staying on the drive and continue bringing all they add to life here for the future.

Consultations responses

KC Trees: The extension is far enough from the trees and therefore no objection is raised.

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.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP33 – Trees

Supplementary Planning Documents (SPD)

- House extensions and alterations

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.

- 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

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 highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 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 development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 126 providing an overarching consideration of design stating ‘the creation of high quality buildings and places is 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.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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 instance, given the amendments sought, Officers consider the proposed development to appear subservient to the host property, as the majority of the extension would be above the existing flat roof garage. The dual pitch, whilst not set down from the ridge, would appear as a continuation to the existing dwelling which is detached and separated from other dwelling allowing to be read as a single building. The rear extension will also be significant set down from the host property and would adjoin the side extension.

As such, there would be limited amenity space developed as part of the proposal and therefore the works would not result in the overdevelopment of the site, as the host property, is a detached dwelling with a relatively large curtilage.

First floor side extension:

With regards to the first floor side extension, Paragraph 5.22 of the Councils House Extensions and Alterations SPD states that development should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

In this instance, the extension would be relatively large in size, as it would be situated above the existing garage. However, this would not exceed more than half of the width of the original dwelling. With regards to setting the extension back 0.5m from the principal elevation, the agent has confirmed that this would be difficult to construct and would cost the applicant additional money. For these reasons, Officers have assessed the impact and have concluded that the works would not have a detrimental impact upon the wider street scene, as other properties within the area have extended to the side with the same ridgeline. The roof would be a dual pitch the match. Lastly, in terms of distance from the boundary, a separation of 1.5m will be retained. For these reasons, the side extension would not result in an undesirable terracing effect, which is also further mitigated by the change in levels.

With regards to design, the extension is considered acceptable in terms of visual amenity, as it would follow the simple form of the original property and would be finished in brickwork to match. Whilst the works would be perceived as being relatively large in scale, it has been noted that the area is dominated by detached dwellings and therefore any additional built form would not appear out of character and incongruous within the street scene.

The proposed fenestration has also been considered acceptable from a visual perspective, as it would be of a similar appearance to those that exist on the host property.

Two storey rear extension:

As shown on the submitted plans, the works proposed to the rear of the dwelling would be compliant with the aims of paragraph 5.8 of the Councils House Extensions and Alterations SPD. More specifically, it has been noted that the extension would be proportionate to the size of the house and would not exceed 50% of the total area of land (including all extensions/outbuildings). The works would have a projection of 1.8m and would be at least 1.5m from the nearest side boundary.

In terms of design, the extension would be built with a dual pitched roof and would be set down from the ridge on the two storey side extension. This would help reduce some of the bulk and massing at the site. New windows and bi-folding doors are also proposed within the rear elevation in order to add passive solar gain. As such, no concern has been raised by their design.

The extension would also be finished in brickwork to match the host property.

External alterations

With regards to external alterations, the submitted plans show the garage door to be removed as part of this application. The opening will then be filled with two windows and timber cladding to match the materials used on the host property. Given that the host property, benefits from its full permitted development rights, such works do not formally require planning permission. Nonetheless, from a visual perspective, no concern has been raised.

Having taken into account the above, it has been considered that the proposal would harmonise, to an acceptable degree, with the host property and the surrounding development the character of the area and the wider street scene, complying with LP24 of 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 dwelling 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.”

The impact of the development on each of the surrounding properties will be assessed in turn.

5 Brendon Drive is the neighbouring property to the West of the application site. It has been assessed that there would be limited impact upon these neighbours amenity as a result of the works proposed. This is due to these neighbours benefitting from no existing side openings within their eastern facing elevation. More specifically, given the reduction in the built form proposed, the extensions would sit adjacent to these neighbours side elevation and attached garage. As such, any overbearing and overshadowing would not have an undue impact upon these neighbours amenity. The change in topography also means that the host property, is situated on a lower level compared to these neighbours which will further help to mitigate against any impact.

With regards to overlooking, the submitted plans only show a pedestrian door to be inserted into the new store at ground floor and an obscurely glazed window to serve an en-suite at first floor. As such, there would be no loss of privacy at these neighbours, whereby a condition will also be attached to the decision notice to state that the obscurely glazed window shall be fitted with a minimum of grade 4.

Furthermore, given the change in levels, officers do not consider it reasonable to remove permitted development rights for future ground floor openings, as these would only have a relationship with the existing boundary treatment/walls. Furthermore, future first floor side openings will be controlled under the GPDO and therefore any new windows would need to be fitted with obscure glazing, unless consent is sought for the Local Planning Authority.

As a result, Officers consider an acceptable relationship to be retained between these neighbours.

1 Brendon Drive is the neighbouring property to the East of the application site. Due to the nature of the extensions proposed and their location, Officers are satisfied that the works would not have any material overbearing, overshadowing or overlooking impact upon the amenity of these neighbours.

To the rear are no.s 6 and 8 Stanwell Avenue, along with no. 4 Brendon Drive to the front. In this case, the development would not have any undue impact

upon these neighbours amenity, as separation distances of 26m – 35m would be retained. As such, any overbearing, overshadowing and overlooking would be minimal.

Overall, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan and the aims of the Councils House Extension and Alterations SPD.

4. Impact on highway safety

It has been acknowledged that the proposal would intensify the domestic use at site, as the dwelling will be transformed from a 4 to a 6 bed. As such, three on site parking spaces are required. In this case, the submitted plans also show the loss of the existing double garage and therefore one additional on site parking space should be created to the front of the dwelling. This should be 2.4m in width by 4.8m in depth and shall be attached as a condition to the decision notice. The additional driveway should also be laid in a permeable surface to accord with Policies LP21, LP22, LP28 and LP34 of the KLP and 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 extensions would be finished in brick which is considered to be a durable material. A condition will also be attached to the decision notice in order to ensure that the extended driveway is appropriately surfaced and drained to ensure that the additional hardstanding does not result in surface water runoff and flood risk. The extension will also be built to modern specifications to ensure thermal efficiency.

Trees

KC Trees have been formally consulted as part of this application, raising no objection, as the extensions would be far enough from the protected trees and therefore present minimal risk of direct harm. As such, the development would accord with Policy LP33 of the KLP.

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, with the main works being proposed to the existing flat roof, in which is not suitable for 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

As a result of the above publicity, one supporting comment has been received. The points raised are highlighted below and have been noted by Officers.

- We have no objections to the first floor side extension and alterations. In fact, we welcome it as it means the neighbours will be staying on the drive and continue bringing all they add to life here for the future.

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: 2021/93419

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, LP28, LP30, LP34 and LP33 of the Kirklees Local Plan and the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

3. The extensions hereby approved shall be constructed from brickwork, with grey roof tiles to match the materials used on the host property, in accordance with the submitted plans. The extensions shall thereafter be retained with such finish.

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

4. Notwithstanding the submitted plans, the extensions hereby approved shall not be brought into use until the existing drive to the front of the property has been widened to create a third off street parking space. The new parking space shall be a minimum of 2.4m wide by 4.8m deep and shall be laid out with a hardened and drained surface; in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009. 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) the spaces shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. The window within the western facing side elevation of the two storey side extension hereby approved, to serve the en-suite shall be fitted with obscure glazing, minimum grade 4 as detailed on the hereby approved plan, Dwg. No. (PL) 003 Rev B. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and 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 13.00 hours , 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: 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.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85).

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	Version	Date Received
Location plan	(00)000	-	26 th August 2021
Existing site plan	(00)001		26 th August 2021
Existing floor plans	(00)002	-	26 th August 2021
Existing elevations	(00)003	-	26 th August 2021
Proposed site plan	(PL)001	A	1 st December 2021
Proposed elevations	(PL) 003	B	6 th January 2022
Proposed floor plans	(PL) 002	B	6 th January 2022

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 design of the extensions and therefore final amended plans were received on the 1st December 2021 and 6th January 2022.

Report Dated: 7th January 2022

