

# **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:         | <b>2021/62/93526/W</b>                           |
| Site Address:         | 5, Dryden Way, Lindley, Huddersfield, HD3 3YF    |
| Description:          | Erection of single 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: 21-Jan-2022**

## **Officer Report**

### **Site Description**

2021/93526 5, Dryden Way, Lindley, Huddersfield, HD3 3YF

The application site relates to a detached two storey dwelling situated within a new build estate on a cornerplot between Dryden Way and Wadsworth Fold. It is faced in stone and roofed with concrete tile.

The property benefits from an integral garage (internal dimensions 2.8m x 5.35m) and driveway accessed from Wadsworth Fold with sufficient off street parking for two-three vehicles.

The property's entrance and primary elevation faces Dryden Way and there remains to be an openly bordered lawned outside amenity space to the side and front of the property. The west facing garden is to the side of the property and is bounded by a stone wall adjacent to the pavement/highway of Dryden Way. The land rises from east to westerly direction with the garden levelled out cutting into the ground and a retaining wall to the western garden boundary shared with No. 7. As a newbuild estate, surrounding properties are similar in materials and design. The property benefits from 4 bedrooms.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. Permitted Development Rights are retained.

### **Description of Proposal**

Erection of single and two storey side extension

#### **Two Storey Side Extension**

This is proposed to be set back 0.5m from the primary elevation facing Dryden Way and be set down 0.3m from the roof ridge height of the host.

It would have the dimensions of:

3.35m projection from the side elevation x 5.1m width with a side gable roof ridge height of 7m and eaves of 4.9m measured from ground level.

Opening proposed are first floor window facing Dryden Way (serving a bathroom), to southwest side elevation a patio door to ground (serving a kitchen) and window to first floor (serving dressing room). None proposed for its southeast elevation.

This would serve a kitchen/dining room at ground floor and a dressing room and bathroom to first floor.

#### **Single storey Side Extension**

This would be formed of two single storey side extensions in sections adjoining the two-storey side extension towards the rear of the property and both shall have a lean-to roof.

**Section A:**

This would have the dimensions of:

3.3m projection from the side x 1m depth and a roof ridge height of 3.65m and eaves of 2.6m measured from ground level.

There would be no openings to this section which would serve to partially extend the kitchen/dining room at ground floor.

**Section B**

This would have the dimensions of:

2.3m projection from the side x 1.6m width and a roof ridge height of 3.7m and eaves of 3m measured from ground level.

It would be set back from the rear elevation by 0.5m.

This would have a door opening within Section B. This would serve a utility room.

**Officer Note:** Plans have some variance in measurements due to being hand-drawn; annotations on measurements for plans were followed.

**History of negotiations/amendments received**

The case officer considered the application on review and sought to have the proposal reduced, however the applicant wished the application to be assed as submitted with with the removal of a first floor window to reduce any overlooking potential.

**Relevant Planning History**

2013/90204 – Erection of 42 dwellings, formation associated site access, and drainage and landscaping works. Approved.

2013/92263 – Non Material Amendment to previous permission 2013/90204 for erection of 42 dwellings, formation associated site access, and drainage and landscaping works. Approved.

2013/92667 – Non material amendment to previous permission 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, etc. Approved.

2013/91561 – Variation of condition 3 (approved plans) on previous permission 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpath, etc. Removal or Modifications of Condition(s).

2013/91803 – Discharge all conditions on previous permission 2013/90204 for erection of 42 dwellings, formation associated site access, and drainage and landscaping works. Approved.

2013/92091 – Non material amendment on previous planning permission no. 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, etc. Approved.

2013/90170 – Discharge conditions 36 and 37 on previous permission 2011/91519 for residential development (294 units) and associated works. Approved.

2015/93594 – Compliance of conditions on previous permission 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, construction of new access from Cowrakes Road and Weatherhill Road, footpaths, drainage, etc. Withdrawn.

2015/93595 – Compliance of conditions on previous permission 2013/91561 for variation of condition 3 (approved plans) on previous permission 2011/91519 for residential development (294 units) and associated works, including demolition of existing building, etc. Withdrawn.

## **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: 27/10/2021

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

- Detrimental overlooking from window into garden  
**Officer Note:** This will be assessed in Residential Amenity.

## **Consultation Responses**

No technical consultees required.

## **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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan. It is within a High Coal Risk area and not in a Bat Alert layer. It borders a Historic Landfill site.

**Kirklees Local Plan (LP):**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 53 – Contaminated and unstable land

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 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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

**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, Principle 7 – Outdoor space and Principle 8 – Energy efficiency, 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 and be set in from the primary and rear elevations aiding in the extension's scale appearing subservient to the main dwelling. The single storey side extension when viewed against the two storey host dwelling would also appear subservient and small scale to the host and have its impact on the streetscene mainly screened by the two storey side extension and the boundary wall of which it sits behind.

The side extensions would be viewed from the highway at certain angles, constructed from materials which match the host dwelling materials and this would aid in the proposal to have little visual impact on the streetscene. The design of the roof would harmonise well with the existing roof.

The western outside amenity space is approximately 92sqm and the development would remove 21.8sqm leaving 70.2sqm of land and therefore would also retain sufficient garden space enough 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 and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 7 (southwest), No. 3 (northeast) and No. 29 (south). To the north is an area of green land which is undesignated for landscaping and it is 47m to the nearest window.

#### **No. 7**

The proposal would have a separation distance of approximately 7.95m to No. 7's side elevation which has two secondary windows, one located at ground and one at first floor level. The facing elevation to no.7 would have a dressing room window at first floor level and patio doors and a pedestrian door at ground level. In terms of overshadowing and overbearing, whilst the proposal would bring built form closer to no.7, given that no habitable room windows are located on the elevation of no.7 which faces the application site it is not considered that any detrimental impact would occur. In terms of overlooking whilst the windows are non habitable in no.7 and the first floor window would serve a dressing room, given the close relationship between the two dwellings, the first floor window will be conditioned to be obscurely glazed. At ground level the change in levels and boundary treatment would prevent any detrimental overlooking from occurring from those openings.

#### **No. 3**

The side extensions would be blocked off from No. 3 being screened by the host dwelling and would not contribute to detrimental overbearing, overshadowing or overlooking impact.

#### **No. 29**

The proposal would have no windows facing this property, it would have a separation distance to the shared boundary wall of 4.8m and would be to the northwest of the property. For these reasons, it is considered that there be no 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 not adversely affect the existing parking spaces within the site, intensify use 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.

#### 6 – Representations:

One representation had been received and answered within residential amenity

#### 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:** 2021/93526

**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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, & 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

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, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The hereby approved development shall not be occupied until the first floor window in the western side elevation of the extension hereby approved has been fitted with obscure glazing, minimum grade 4. 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:** In the interests of the protection of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

**NOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that the works carried out is lawful.

Plans and specifications schedule:-

| <b>Plan Type</b>               | <b>Reference</b>                                                       | <b>Version</b> | <b>Date Received</b> |
|--------------------------------|------------------------------------------------------------------------|----------------|----------------------|
| Plans – Location Plan          | Location Plan & Site Plan. Drawing No. GH/21/11/01.<br>Revision: D.    | D              | 20/12/2021           |
| Plans – Existing Elevations    | Existing Elevations. Drawing No. GH/21/11/04.<br>Revision: -.          | -              | 07/09/2021           |
| Plans – Existing Floor Plans   | Existing Ground Floor. Drawing No. GH/21/11/02.<br>Revision: -.        | -              | 07/09/2021           |
| Plans – Existing Floor Plans   | Existing First Floor. Drawing No. GH/21/11/03.<br>Revision: -.         | -              | 07/09/2021           |
| Plans – Proposed Elevations    | Proposed Elevations. Drawing No. GH/21/11/10.<br>Revision: B.          | B              | 20/12/2021           |
| Plans – Proposed Floor Plans   | Proposed First Floor (Part). Drawing No. GH/21/11/06.<br>Revision: A.  | A              | 19/01/2022           |
| Plans – Proposed Floor Plans   | Proposed Ground Floor (Part). Drawing No. GH/21/11/06.<br>Revision: B. | B              | 20/12/2021           |
| Supp Info – Planning Statement | Planning Statement. 5 Dryden Way.                                      | -              | 07/09/2021           |

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 undertook negotiations with the applicant to secure amended plans to ensure the scheme met guidance on the adopted 'House Extension and Alterations SPD'.

**Report Dated:** 19/01/2022

