

**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: 2021/62/93887/W

Site Address: 82, Hill Top Road, Salendine Nook, Huddersfield, HD3 3SJ

Description: Erection of first floor side extension, garage conversion and removal of side window

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: 30-Nov-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93887>

Site Description

82 Hill Top Road is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property has a stone ground floor elevation with render at first floor, a red brick side elevation and a red brick and rendered rear elevation. There is an attached single storey flat roofed garage on the side elevation of the property and a single storey extension to rear.

The property is set back from the road frontage and is separated by a wide tarmac drive and front garden and there is a garden area to the rear which is lawned and flagged in part with low level decked area. The surrounding area is comprised of mainly semi-detached residential properties.

Description of Proposal

Permission is sought for the erection of first floor side extension, garage conversion and removal of side window.

First floor extension

The proposed extension would be set above the existing flat roof side garage and would lie flush with the existing side and rear elevations. To the front elevation at ground floor the front elevation would remain in situ and at first floor, the extension would be set back from the front elevation by 0.4 metres. The eaves height would match the existing with the ridge of the roof being set down from the existing by 0.3 metres. The proposed construction materials would be render to the front elevation in an off-white colour and the side elevation would be facing brickwork and to the rear would also be rendered. The roof would be a concrete roof tile to match the existing.

Garage conversion

It is proposed that the garage would be converted to habitable accommodation. The garage door would be part walled up with brickwork and a window opening would be formed. It is proposed that the hipped roof canopy at ground floor level would be extended over the front elevation of the converted garage.

Removal of rear window

As part of the works to convert the garage, the large openings within the side elevation would be walled up with facing brickwork to match the existing.

History of negotiations/amendments received

None

Relevant Planning History

None

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 15th November 2021 – no representations received

Parish Council – not applicable

Consultation Responses

None 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 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** – Highway safety and access
- **LP 22** – 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents

- House Extensions and Alterations 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.

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 Chapter 2 of 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.

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”.

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 15: Provision for parking

With specific regard to two storey and first floor side extensions sub-paragraph 5.21 states that:

5.21 Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street.....

Sub-paragraph 5.22 goes on to state that these extensions 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.

The relevant sections of the House Extensions and Alterations SPD listed above are considered in sections 2 and 3 of this report. On the basis the proposal is considered to have an acceptable visual impact the proposal is considered to be acceptable in principle.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of

the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The design of the extension is such that the first floor extension would have an eaves height to match the existing, would have a roof ridge set down from the existing and would have a front elevation which is set back from the front elevation and therefore complying with the information contained within the SPD. The ground floor footprint would be retained as existing which is set in from the side boundary of the site by approximately 1 metre and would therefore retain a space to the side of the property eliminating the potential harm from a terracing effect. As the property is positioned on a slight corner there is a larger perceived separation with the adjacent neighbour due to the properties being set at a slightly oblique angle.

It is considered that the proposal in its entirety would have an acceptable impact in terms of size and scale and due to the first floor extension being located on the existing footprint of the property, it is not considered that the works would result in an overdevelopment of the plot.

It is noted that the first floor of the property is finished with pebble-dash render and it is proposed that the front and rear elevations of the extension would be finished in block and render in an off-cream colour. Given that the attached neighbouring property has been extended with a pebble dash finish, a condition shall be attached to ensure that materials would match the host dwelling to ensure that the works are in keeping with the host and surrounding properties.

It is therefore considered that in terms of visual amenity, the proposed would comply with the House Extensions and Alterations SPD and accords with policy LP24 of the Kirklees Local Plan and policies within Chapter 2 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and 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, 4, 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.

In terms of overlooking, openings are proposed within the front and rear elevations with no additional openings within the side elevation. The front and rear elevation openings would not decrease the established separation distances and therefore the proposal is considered acceptable in this regard.

With regards to overshadowing and/or being overbearing, the first floor extension would face the side elevation of the adjacent property No. 80. There are openings located within the side elevation of this property at both ground

and first floor level. The ground floor openings are within the garage and the first floor opening appears to be a secondary window providing light to the landing area. As such, taking this into consideration coupled with the established separation between the two properties, it is considered that the impact from overshadowing or by being overbearing is considered to be acceptable in this instance.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would comply with policies 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Local Plan and policies contained within chapter 2 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

As part of the proposal it is proposed that the existing garage would be converted to habitable accommodation. The internal measurements of the existing garage are 2.5m x 4.8m which falls short of that which is considered acceptable within the Highways Design Guide SPD. As such it is not considered that there would be a loss of parking as a result of the proposed works. The property hosts a large driveway and due to the resultant property being a 4 bedroom dwelling, 3 no. off street parking spaces are required to be provided.

Given the space to the front of the dwelling which is already tarmacked, it is considered that 3 no. spaces can be provided. As such, the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the SPD's and NPPF.

5 – Other matters:

Climate Change – Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. No specific mitigation measures are required in this instance.

6 – Representations:

None

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: 2021/93887

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, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 15 of the House Extensions and Alterations SPD and policies within Chapters 2, 12 and 14 of the National Planning Policy Framework.

3. The external walling and roofing materials of the extension 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 LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP01		7 th October 2021
Existing and proposed elevations and floor plans	2021/054/03		7 th October 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: 29th November 2021

Coal – low