

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:	2021/62/93936/W
Site Address:	Sunnybeck, 5, Sunnyside, Edgerton, Huddersfield, HD3 3AD
Description:	Erection of two storey side and part front and side extension (within a conservation area)
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: 27-Jan-2022

Officer report

Site description

Sunnybeck, 5 Sunnyside, Edgerton is a detached property predominantly constructed from stone with an element of timber clad to the front and rear elevations. The property benefits from a driveway to the front and a large garden to the rear. Pedestrian and vehicular access can be taken from the front of the site onto Sunnyside. Boundary treatment consists of timber fencing, hedging and stone walling. There is also a significant change in levels within the site and the wider area, with the land sloping from South to North.

The site is situated within a wider residential area, whereby the properties vary in design and form. The site is also situated within Edgerton Conservation Area on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of a single and two storey extensions. The measurements of the scheme are as follows:

Single storey front extension:

- 3.5m in projection
- 6m in depth
- 2.2m in height to the eaves; 3.5m in overall height

Two storey side extension:

- 3.1m in projection
- 8.2m in length
- 3.6m- 6.6m in height to the eaves; 5.9 – 9m in overall height

Single storey side extension:

- 3.3m in projection
- 5.7m in length
- 0.9 – 1.7m in height to the eaves; 2.4m in overall height

The extensions would be constructed from stone with concrete tiled roofs to match the materials used on the host property. Internally, the development would create an extended lounge, a fourth bedroom and a garage.

On-site parking would be retained to the front of the dwelling.

History of negotiations/amendments received

Officers have raised significant concerns with regards to the bulk and massing of the extensions proposed and therefore a reduced scheme was sought on the 18th January 2021.

Relevant Planning History

At the application site:

2016/92471 Works to TPO(s) HU1/71 – Granted

2015/93086 Works to TPO(s) HU1/71 within a Conservation Area – Granted

2000/92508 Erection of extension to existing garage and first floor extension over (within a Conservation Area) – Granted

2000/91301 Erection of extension to existing garage and first floor extension - Refused

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 26th November 2021.

As a result of the above publicity, one objection has been received. A summary of the concerns raised are as follows:

- Given the close proximity to neighbouring gardens we request that the works as soon as commenced shall be continually proceeded with and be carried out with reasonable expedition.
- Works should be carried out during the hours of 08:00 -18:00 Monday to Friday and 10:00 to 13:00 on Saturdays. We ask that no work is carried out on Sundays or Bank Holidays.
- The works should be carried out in accordance with the Local Authorities current policy with regards to noise attenuation and hours of working for noisy works. This is to accord with Code of Practice for Noise and Vibration Control on Construction and Open Sites [BS5228].

In this case, given that the amendments sought were to reduce the built form, over and above what was originally advertised to neighbours, Officers did not consider it necessary to re-advertise the scheme.

Consultations responses

KC Trees: No objection to the proposal.

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 situated within Edgerton Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 - Parking
- LP 24 – Design
- LP30 - Biodiversity
- LP33 - Trees

- LP 35 – Historic environment

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
- Chapter 16 – Conserving and enhancing the historic 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 highway safety
- 5.Other matters
- 6.Representations
- 7.Conclusion

1. Principle of development:

The site is located within Edgerton Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention in order to preserve or enhance the character and setting of land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring

substantial public benefits that clearly outweigh the harm". Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, 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 also relevant and states that "good design should be at the core of all proposals in the district.

In this case, it can be stated that the principle of development is acceptable subject to an assessment of the impact on visual amenity, heritage, residential amenity, highway safety and all other material planning considerations.

2. Impact on visual amenity and heritage

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 to significantly reduce the proposed built form, officers consider the works to appear subservient to the host property, as the two storey side extension would be built with a dual pitched roof. The single storey side extension would also be relatively small in size and scale and would adjoin the extended front extension in which aims to provide a garage.

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

Two storey side extension:

With regards to the 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 small in size and scale and would be built over the existing single storey addition. The extension would not however, be set back from the original house by 0.5m as the agent has outlined that this would result in cost applications for the applicant and it is accepted that the dwelling is detached in a large plot with adjacent dwellings significantly separated from the extension. The roof, however, has been designed with a dual pitch to match the host property, and a separation distance of 3.8m would be retained to the nearest side boundary. As such, the built form would not result in an undue terracing effect.

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 stonework to match. Whilst the works cumulatively would result in an increased level of development, it has been noted that the area is dominated by large, detached dwellings, and therefore there would be no undue impact upon the wider street scene.

In terms of fenestration, windows have also been proposed within the rear elevation, due to the change in levels to the front, and the impact upon neighbouring amenity to the side. Nonetheless, the windows proposed have been considered acceptable as they would be of a similar appearance to those that exist on the host property.

Single storey side extension:

The single storey side extension would also comply with Paragraph 5.17 the aforementioned SPD, as it would not exceed more than two thirds of the original house and would adjoin the two storey element. The overall would also not exceed 4m. As such, no concern is raised from this perspective.

In terms of design, the plans show this element to benefit from a lean to roof, which would be in keeping with the host property. Bi-folding doors are proposed within the rear elevation, along with two roof lights and a flue within the roof space. The simple design of this extension has been considered acceptable and therefore no concern is raised.

Materials would also be to match those that exist on the host dwelling.

Single storey front extension

In this instance, amendments have been sought to reduce the front extension from two storey to one. The existing built form will also be retained, with the roof pitch being altered into a gable to match the host property.

With regards to the House Extensions SPD, paragraph 5.14 outlines that front extensions are not usually acceptable unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

In this case, the host property is set at the bottom of a cul-de-sac and is surrounded by dwellings in which appear relatively large in size and scale, as well as varying in terms of design and form. Therefore, the erection of an extended front extension is not considered to unduly impact upon the character and setting of the site nor the wider street scene. Materials would be stone to match and the works would not have any detrimental impact upon neighbouring amenity. As such, the proposal can be supported on balance, in accordance with the SPD.

The design of the extension has also been considered acceptable, as the dual pitched roof would mirror the simple design of the host property. In terms of openings, a garage door will be inserted into the principal elevation which is typical for this type of development.

The extension would also be finished in stonework with a tiled roof to match the materials used on the host property.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Edgerton Conservation Area. In this instance, it has been noted that the additional development would be constructed from matching materials and would be of an acceptable design and form to keep in with the character of the host property. As such, officers are satisfied that there would be no significant impact upon the Conservation Area.

Furthermore, the public benefits to the property, would be that the host dwelling could remain at its optimum use, as a dwelling, with the additional living accommodation required to meet the needs of the applicant.

For these reasons, it has considered that the public benefits of the scheme are considered to outweigh the less than substantial harm. In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP, the aims of the Councils House Extensions and Alterations SPD and Chapter 12 and 16 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.

Woodlea, 3 Sunnyside is the neighbouring property to the West of the application site. It has been noted that there would be some additional impact upon these neighbours amenity space as a result of the development proposed. However, the two storey aspect would only be built above the existing extension, with the nearest built form closest to the boundary being single storey. A separation distance of at least 12m would also be retained to the nearest side elevation at these neighbours. As a result, officers are satisfied that there would be no undue overbearing or overshadowing from the additional bulk and massing, with the existing boundary treatment/screening also mitigating most of the impact at ground floor.

With regards to openings, the submitted plans show no additional windows to be inserted into the western facing elevations of the extensions proposed in which will restrict any undue overlooking. Officers are also looking to remove future permitted development rights for ground floor windows, given the close proximity in which the works would have with the shared boundary. As such, any impact upon these neighbours amenity can be supported.

Clayton Lodge, 7 Sunnyside is the neighbouring property to the South of the site. Given that a separation distance of approximately 15m would be retained, including a highway, officers are satisfied that the additional built form would not have any material impact upon these neighbours amenity.

This is due to the nearest built form being retained at single storey in order to form a garage. There would be a further separation distance of 4m from the two storey side extension (19m in total) and therefore any overbearing would be limited.

With regards to overshadowing, these neighbours are situated to the South and therefore any additional impact would be minimal. The submitted plans show additional windows to be inserted into the front elevations of the extensions, however, any impact would be no greater than the existing situation. As such, this relationship can be supported.

There will also be no undue impact upon the outdoor amenity space of no. 8 Kaffir Road as a result of the development proposed, as a significant separation distance would be retained, along with the well-established trees along the rear boundary.

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 the site, as the dwelling will be transformed into a 4 bedroom property. However, there is already sufficient on-site parking to the front of the dwelling, along with the fact that the application proposes a new garage. This would have an internal dimension of 3.1m x 5.5m. Whilst the length is slightly smaller than what officers would like, it has been noted that the garage would still be sufficient for one parked car.

As a result, no concern is raised and therefore the proposal would accord with Policies LP21 and LP22 of the KLP and the aims of 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

stonework, which is a high quality natural material. The extensions would also aid passive solar gain and would be constructed 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.

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 objection has been received. A summary of the concerns raised, along with officer correspondence can be seen below:

- Given the close proximity to neighbouring gardens we request that the works as soon as commenced shall be continually proceeded with and be carried out with reasonable expedition.
- Works should be carried out during the hours of 08:00 -18:00 Monday to Friday and 10:00 to 13:00 on Saturdays. We ask that no works are carried out on Sundays or Bank Holidays.
- The works should be carried out in accordance with the Local Authorities current policy with regards to noise attenuation and hours of working for noisy works. This is to accord with Code of Practice for Noise and Vibration Control on Construction and Open Sites [BS5228].
Comment: The above concerns have been noted, however, the timeframe for construction is unfortunately outside of the realms of planning control, as long as development begins within 3 years of the permission. A note, however, will be attached to the decision notice to advise the applicant of the appropriate hours of construction.

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: 2021/93936

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, LP30, LP33 and LP35 of the Kirklees Local Plan and the aims of the Councils House Extensions and Alterations SPD and the National Planning Policy Framework.

3. The extensions hereby approved shall be constructed from stonework, with concrete 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 heritage and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the western facing side elevations of the extensions hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

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: Please note that 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: 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
Existing floor and elevation plans	1	-	18 th October 2021
Heritage statement	-	-	18 th October 2021

Location plan and proposed floor plans and elevations	2	A	18 th January 2022
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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 have raised significant concerns with regards to the bulk and massing of the extensions proposed and therefore a reduced scheme was sought on the 18th January 2021.

Report Dated: 24th January 2022