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:	2021/62/93972/W
Site Address:	14, Gernhill Avenue, Fixby, Huddersfield, HD2 2HR
Description:	Demolition of conservatory and erection of single storey rear extension
Recommending Officer:	Stuart Howden

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: 10-Jan-2022

Officer Report

Site Description

14 Gernhill Avenue, Fixby, Huddersfield, HD2 2HR

14 Gernhill Avenue is a two storey detached dwelling mainly constructed from render, but with some stone, under a tile roof. To the rear of the dwelling is a single storey conservatory. The dwelling is set back from Gernhill Avenue, which it also faces, and there is space for parking to the front of the site. The property benefits from a good sized rear garden. The site is located within a predominantly residential area, and has a suburban character, and dwellings tend to be two storey and detached, but there is a mixture of finishing materials within the locality. To the rear of the site is a housing estate which is currently under construction, but the dwellings immediately to the rear appear to have been constructed. The site is not within a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the demolition of the existing conservatory and the erection of single storey rear extension. This proposed rear extension would be a depth of approximately 4.6 metres and width of approximately 7 metres. The extension is proposed to have a part flat, part mono-pitched roof, with an eaves height of approximately 2.8 metres and a maximum height of approximately 4 metres. The extension is proposed to be constructed from render and timber cladding under a green roof.

History of negotiations/amendments received

No amendments have been sought for this application.

Relevant Planning History

2003/93777 – Erection of single storey and first floor extensions – Approved 16th October 2003.

Representations

Final publicity date expires:
Neighbour letters expired on 24th November 2021; Site Notice expired on 5th January 2022

No representations were received.

Consultation Responses

No consultation was necessary for this application.

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 (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highways Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality

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 2** – Achieving sustainable Development
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

<u>Other Considerations</u>:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees House Extensions and Alterations SPD (2021)

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. Chapter 2 of the NPPF states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"

Chapter 2 of the NPPF goes onto further state that objectives should:

"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

LP1 goes further and states:

"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These matters will be discussed below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable 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 significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and *"c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 134 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted House Extensions and Alterations SPD.

Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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.

Section 5 of the House Extensions and Alterations SPD provides detailed guidance on specific types of proposals. Section 5.1 relates to rear extensions and states that rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. It goes on to note that rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. The SPD states this should include consideration of the following:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

Section 5.1 of the SPD goes on to note that single storey rear extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;

- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed extension would be sited to the rear of the dwelling and would not be a prominent feature from within the street scene, with only some partial views potentially achievable from Gernhill Avenue between dwellings. The proposed extension would exceed 4 metres in depth (~4.6 metres), but the proposal would still result in the retention in a large proportion of the garden area and it is considered that the extension would appear compatible with the existing two storey dwelling in terms of scale. Whilst some timber cladding is proposed on the extension, which is not entirely in keeping with the materials of the existing dwelling, and the mono-pitched form of the extension is somewhat at odds with the existing dwelling, given its relatively modest scale and that it would not be a prominent feature from within the streetscene, it is considered that it would not cause detrimental harm to the visual amenities of the locality.

For the reasons set out above, the proposed development is acceptable in terms of visual amenity. The proposed development is therefore considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extension, like the existing conservatory, would protrude beyond the rear walls of the next door neighbouring dwellings to either side (No's. 12 and 16 Gernhill Avenue). However, the proposed extension would be set off both side boundary walls (by over a metre) and would not breach a horizontal 45 degree line when taken from the centre of the nearest rear facing window of either dwelling to the side. Whilst the extension would have a 4 metre maximum height at the eastern end, the property to the east side would be circa 5 metres away from the extension. The extension would be circa 2.5 metres from the neighbour to the west, and the flat roof element with a relatively low height is sited at the western end of the extension. Given the above, it is considered that the proposal would not cause undue harm to No's. 12 and 16 Gernhill Avenue in terms of loss of light, loss of outlook or the creation of an overbearing effect.
Whilst windows are proposed in the side elevations of the extension, windows are currently in the side walls of the conservatory the extension is proposed replace, and these windows would be at ground floor level and fencing on the side boundaries would help to screen views of the neighbouring properties to the sides. It is therefore considered that the proposal would not cause undue harm to No's. 12 and 16 Gernhill Avenue in terms of loss of privacy or overlooking.

Relatively new properties are located to the rear of the site (Highfield Road), but the extension is considered to be a sufficient scale and sufficient distance away from these properties so as to prevent undue harm to them of terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposed development is relatively minor in scale, would not result in the loss of any space for parking on site and would not result in any additional bedrooms, therefore no additional on-site parking is considered to be required. Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

No representations have been received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2021/93972

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 with Policy LP24 of the Kirklees Local Plan.

3. The render to be used for the external walls of the extension hereby approved shall in all respects match the render 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 and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	15th October 2021
Location Plan	1000	-	15th October 2021
Proposed Site Plan	1001	-	15th October 2021
Existing Ground Floor Plan	1100	-	15th October 2021
Existing First Floor Plan	1100	-	15th October 2021
Existing Elevations	1300	-	15th October 2021
Proposed Ground Floor Plan	2000	-	15th October 2021
Proposed Elevations (N/E)	3000	-	15th October 2021
Proposed Elevations (W)	3001	-	15th 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. The scheme was considered acceptable as submitted.

Report Dated: 07/01/2022