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:	**2021/62/93979/W**
Site Address:	2, The Coppice, Fixby, Huddersfield, HD2 2JA
Description:	Erection of front side and rear extensions with glazed link
Recommending Officer:	Stuart Howden

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 03-Apr-2022

Officer Report

Site Description

2 The Coppice, Fixby, Huddersfield, HD2 2JA

2 The Coppice, is a detached bungalow property constructed from stone under a tile roof. The dwelling serves 4 bedrooms. The main body of the dwelling is linear in form, and there is a modest gable projection beyond the front wall of the dwelling as well as two gable projections and a lean-to conservatory to the rear of the dwelling. There is garden space to the front and rear of the dwelling. There is a driveway on the west side of the site which leads to a detached garage building to the rear of the site. The site slopes downwards from the front to the rear and from the east to west.

The site is within an area which is predominantly residential in character. The Coppice is a residential street comprising 6 detached bungalow dwellings similar in character to the dwelling at No.2 and this street links The Dell to Viewlands.

The site is not within a conservation area, nor are there any listed buildings within close proximity to the site. To the rear of the site is a wooded area which is protected by a Tree Preservation Order (ref: 06/87/a1).

Description of Proposal

Planning permission is sought for the erection of front, side and rear extensions with a glazed link.

A single storey extension is proposed to protrude beyond the front wall of the detached garage by approximately 6.3 metres and would be attached to the side wall of the dwelling (but set back from the front wall of this dwellinghouse). This extension would be flush with the east side wall of the garage, but set off the west side wall of the garage, and would be a width of approximately 3.8 metres. The roof is proposed to be flush with that of the existing garage building. A single storey extension is also proposed to protrude beyond the rear wall of the garage building by approximately 5.3 metres. The extension would be flush with the side walls of the garage building. The roof is proposed to be flush with that of the existing garage building. These extensions are proposed to be constructed from materials to match the existing dwelling.

The front extension is proposed to provide a new single garage, whilst the existing garage and proposed rear extension are proposed to serve two en-suite bedrooms.

In addition, a glazed link is proposed between the rear of the dwelling and would run along the side walls of the aforementioned proposed front and rear extensions, as well as the side wall of the existing garage building. This glazed link is proposed to be a maximum depth of approximately 12.2 metres and

maximum width of approximately 4.5 metres. The link is proposed to have flat roof and be height of approximately 2.4 metres.

Whilst a rear extension and decking to the rear of the dwelling is also displayed on the plans, this was approved under planning application 2021/91945 and is not subject of this application.

Decking is displayed on the plans to the side of the proposed glazed link and rear of the proposed rear extension. The height of all the decking is not clear from the plans submitted, but as it is not included in the application description it does not form part of this application.

History of negotiations/amendments received

Officers raised concerns with the impact of the extension initially proposed upon the amenities of a neighbouring property, and following this a revised scheme was submitted with the extension set further away from the boundary of the neighbouring property concerned. This revision addressed Officer concerns.

Relevant Planning History

- 2005/94592 – Erection of ground floor extension and detached garage – Approved – Approved 21st December 2005.

- 2020/90807 – Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking – Refused on 24th November 2020 and Dismissed at appeal on 2nd June 2021. The application was refused by the Local Planning Authority for the following reasons:

    1. The proposed first floor extension, by virtue of its siting, form, scale and massing, would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.
    1. The proposed first floor extension, by reason of the position and size of the first floor window in the rear elevation, would result in significant and demonstrable harm to the amenities of No.12B The Dell in terms of overlooking. The proposal would therefore be contrary to Policy LP24 (B) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

    The Planning Inspector concurred with the first reason for refusal, stating: *"I find that the proposed first floor extension would create an incongruous feature that would stand out in a negative fashion when*

seen against the wider street scene and would cause harm to the character and appearance of the area." However, the Planning Inspector considered the proposal would not cause detrimental harm in terms of residential amenity in relation to the second reason for refusal

- 2021/91945 – Erection of single storey rear extension and raised decking – Approved on 21st July 2021. This relates to the replacement of an existing rear protruding element with a larger single storey rear extension. Decking to the rear of the dwelling was also approved.

Representations

Final publicity date Expires:
Neighbour letters expired on 25th November 2021.

No representations have been received.

Whilst amended plans were submitted, these reduced the scale of the extension proposed to the front of the garage therefore it was not considered necessary re-consult.

Consultation Responses

KC Trees: No objections.

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 Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 33** – Trees
- **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 4** – Decision Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- 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, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places…"

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.

2 –Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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.

Policy 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, heritage assets and landscape…

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 guidelines on specific extensions, including single storey rear, front and side extensions.

The front extension to the garage building, would also constitute a side and rear extension to the existing dwelling. Whilst the House Extensions and Alterations SPD (HEA SPD) notes that front extensions are usually unacceptable due to the impact upon the character and appearance of an area, the proposed extension would be set behind the front wall of the dwelling, and well away from the highway and set down from this highway. In addition to this, the extension would be flush with the roof of the garage building with the roof lower than that of the main dwellinghouse. It is therefore considered that such a front extension would not appear dominant within the streetscene and would not compete in prominence with the main house from The Coppice. This extension would also mostly comply with the guidelines for single storey rear and side extensions as set out within the HEA SPD. Whilst the extension would exceed a height of 4 metres, this would be by approximately 0.3 metres and is considered acceptable given the extension would appear subservient to the main dwelling given the height of the extension relative to this extension. Overall, this extension on its own is considered to appear harmonious in terms of scale and form with the existing dwelling at the site. The extension is also proposed to be constructed from materials to match the existing dwelling and garage.

In relation to the rear extension to the garage building, as this would be sited adjacent to the side boundary of the site, would be over 4 metres in height (~4.8 metres) and would exceed 4 metres in depth, it would not be in complete conformity with the HEA SPD guidelines for single storey rear extensions. That said, as this rear extension would be set behind the existing garage and dwelling, and would be flush with the roof of the of the existing dwelling, it is considered that it would not appear prominent from The Coppice.

It is acknowledged that the extended garage building would run quite far rearwards into the existing garden, and views of the extension would be visible from the street at Viewlands to the west and the Public Right of Way to the south of the site. However, given the relatively large size of the site, it is considered that this extension would not appear cramped on the site. It is also considered that extension itself would appear compatible with the existing building given that it would be flush with the walls of the existing garage and would be constructed from materials to match the existing building.

The glazed link is technically a rear extension to the dwelling and side extension to the garage building. This extension would not be in total conformity with HEA SPD in relation to rear extensions given its overall depth (with the SPD stating that rear extensions should be no greater than 4 metres). In addition, as this element would have a flat roof and would be mainly glazed, it is considered that it would not be completely in keeping with the design and materials of the

existing dwelling. However, this glazed link would be a lightweight and narrow structure which would not be prominent from The Coppice given its siting, and it would appear subordinate in height to both the dwelling and garage building.

The extensions overall, along with the rear extension approved under 2021/91945 would, cumulatively, result in a large addition to the dwelling. That being said, and as noted already, the site is relatively large and it is considered that it has to capacity to take such a development (i.e. it would not result in the overdevelopment of the site).

Given the above, it is considered that the proposed development would not cause detrimental harm to the visual amenities of the locality in accordance with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

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.

No.6 Viewlands

The rear elevation of No.6 faces towards the west side boundary of No.2 The Coppice and the dwelling at No.6 is relatively close this shared boundary. There were initially concerns held by Officers with the front extension to the garage being flush with the west side wall of the garage and therefore adjacent to the shared boundary, given the close proximity of the rear wall of No.6 to the shared boundary (~6 metres) and because No.6 is set on lower land to No.2. The applicant's agent was therefore recommended to set this front extending element off the shared boundary more so as to prevent an undue loss of outlook and the creation of an overbearing effect. Following such advice, the applicant's agent provided an amended plan which set this extension approximately 2.6 metres off the shared boundary. Officers consider that this set off, whilst not

completely eliminating the harm, would result in an acceptable solution that would prevent undue harm to No.6 in terms of loss of outlook and the creation of an overbearing effect. No windows are proposed in the west side elevation of this front extending element therefore it is considered that this would not cause undue harm to No.6 in terms of loss of privacy or overlooking

The rear extending element to the garage building would be at an oblique angle to the rear wall of No.6 and would only run adjacent to the shared boundary with No.6 for a limited distance. The glazed link would be screened from No.6 by the proposed front and rear extending elements as well as the existing garage building. It is therefore considered that the rear extension and glazed link would prevent undue harm to the amenities of No.6.

No.4 Viewlands

Whilst the rear extension to the existing garage building would be adjacent to the rear boundary of No.4 and the site is on higher land to No.4, the extension is single storey in height, is ~14 metres away from the rear elevation of this neighbouring dwelling at No.4 and the dwelling at No.4 is slightly angled away from the proposed siting of the rear extension. It is therefore considered that the proposal would prevent undue harm to No.4 in terms of loss of light or loss of outlook. Given the single storey scale of the rear extension and the relatively large size of the rear garden at No.4, it is considered that the rear extension would also prevent undue harm to No.4 in terms of the creation of an overbearing effect. No windows are proposed in the west side elevation facing No.4 and it is considered that the rear extension would not cause undue harm to No.4 in terms of loss of privacy or overlooking. The glazed link and front extension to the garage are considered to be sufficiently sited so as to prevent undue harm to the amenities of No.4.

Other Properties

The proposed development is considered to be a sufficient distance away from any other properties not referred to above so as to prevent undue harm to their amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Given the above, it is considered that the proposed development would not cause undue harm to the amenities of any neighbouring residential properties in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

<u>4 – Impact on highway safety</u>:

The proposal would result in the creation of two additional bedrooms taking the dwelling to a 5 bedroom dwelling from a 3 bedroom dwelling.

The Kirklees Highways Design Guide SPD outlines that Kirklees Council has not set local parking standards, but notes that as an initial point of reference for 4+ bedroom dwellings, they should provide two off street spaces.

The proposal would result in the loss of the existing double garage and whilst a single garage is now proposed, it is questionable whether the proposed garage could accommodate a vehicle given the width of the garage door. Nonetheless, there is considered to be sufficient space for 4 cars on the driveway to the front of the site, therefore the parking at the site is considered to be sufficient for this proposal.

It is therefore considered that the impact upon highway safety is acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

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. This includes key design principles in the SPD.

Considering the relatively 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.

Trees:
To the rear of the site is a wooded area which is protected by a Tree Preservation Order (ref: 06/87/a1). KC Trees consider that the protected trees are far enough from the proposals as to be unlikely to be affected. KC Trees go onto note that the canopies are high and well clear of the proposals as to not be a direct conflict. KC Trees state that the proposals will bring the living space closer to the adjacent trees and may result in some increase in pressure to prune the trees however this is not considered significant enough to object to the proposals given the canopy height and form of the trees. KC Trees therefore consider that the proposal will not impact any trees of significance and KC Trees have no objection to the application. Officers see no reason to disagree with this assessment of KC Trees.

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: 2021/93979
Officer Recommendation: Approval
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 Policies LP21, LP22, LP24 and LP51 of the Kirklees Local Plan and Chapters 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved, where these are indicated to be stone and tile, 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 and Chapter 12 of the National Planning Policy Framework.

NOTE: This permission does not grant permission for the decking displayed to the rear and side of the extensions hereby approved.

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 13.00hours, 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	18th October 2021
Location Plan at a scale of 1:1250 of A4 paper	-	-	18th October 2021
Site Plan Existing	P01	-	28th February 2022

Plan Type	Reference	Version	Date Received
Existing Floor Plan and Existing Section	P02	-	28th February 2022
Existing Elevations	P03	-	28th February 2022
Proposed Site Plan	P04	2	28th February 2022
Proposed Ground Floor Plan	P04a	2	28th February 2022
Proposed Garage Extension Floor Plan	P05	2	28th February 2022
Proposed Elevations	P06	2	28th February 2022
Proposed Elevations 2	P07	2	28th February 2022
Proposed Elevations 3	P07a	2	28th February 2022
Isometric Plan	P08	2	28th February 2022
Isometric Plan 2	P09	2	28th February 2022
Isometric Plan 3	P09a	2	28th February 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 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.

Officers raised concerns with the impact of the front extension initially proposed upon the amenities of a neighbouring property, and following this a revised scheme was submitted with the extension set further away from the boundary of the neighbouring property concerned. The amendments to the scheme addressed Officer concerns.

Report Dated: 01.04.2022

Coal Mining – LOW