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:	2021/62/94021/W
Site Address:	14, Ryedale, Kirkheaton, Huddersfield, HD5 0HT
Description:	Demolition of existing conservatory and erection of single storey front and rear extensions
Recommending Officer:	Tom Hunt

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: 13-Dec-2021

Officer Report

Site Description

2021/94021 – 14, Ryedale, Kirkheaton, Huddersfield, HD5 0HT

The application site relates to a two-storey semi-detached dwellinghouse which is mainly faced in light reddish-brown brick with white timber sections and lighter brick section to the primary elevation. Side and rear elevations are faced in the light reddish-brown brick. The host property is gable roofed in concrete tile and benefits from a small front amenity space bounded by a low stone wall and with a driveway from the highway to its detached garage positioned to the rear of the property. To the rear is a garden which is mainly flagged with some landscaping. Beyond the rear garden boundary is Urban Green Space designated land (UG90) serving Kirkheaton Primary School.

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

Description of Proposal

Demolition of existing conservatory and erection of single storey front and rear extensions

Primary Elevation Development

It is proposed to erect a small pitched roof porch to its primary elevation. The roof ridge height would be 3.3m and the eaves at 2.6m from ground level with the floorspace being 2m by 2.7m in width. This element of the proposal would be finished in coursed brick, concrete tile roof and white uPVC frames to windows and doors to match the host. It would add 5.6 square metres to the host dwelling. This would serve a porch and a W.C and have openings to the primary elevation and west elevation only.

Rear Elevation Development

The existing glazed conservatory is to be demolished which projects 2.6m from the rear elevation of the host with a hipped roof ridge height of 3.4m

It is proposed in its place that overall a new rear extension be erected, to the southwest corner the rear extension would project 1.3m from the rear and 1.6m width which would adjoin the larger rear extension which measures as southwest elevation of 3.8m in projection from the rear, northeast elevation 3m from rear and overall a 4.3m width with a recessed corner adjacent to the neighbouring boundary 0.5m x 0.5m. Both sections of the rear extension with doors are to be served by steps 0.3m maximum height from ground level.

Overall the lean to roof ridge height would be 3.95m and the minor section eaves would be 3.45m and the main rear extension would have eaves of 2.7m approximately from ground level. This would aid in internal alterations to develop a kitchen/dining room with lounge within the rear extension and a rear hallway entrance.

Openings proposed are to rear only with skylights to the roof. It would be finished in coursed brick, concrete tile roof and white uPVC frames to windows and doors to match the host.

Other alterations

A side door to the southwest elevation of the host is to be bricked up.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to reduce impact to the neighbouring property to aid reduced impact on residential amenity.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 29/11/2021

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

- The change from the glazed material of the conservatory to a brick wall would affect overshadowing and lead to loss of light with visual amenity harmed.

Consultation Responses

Kirkburton Parish Council – No comments received to date.

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. It is within a Low Coal Risk area and is not within a Bat Alert Layer.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design

Kirklees Council has adopted its supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 12 – Achieving well-designed places
- Chapter14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)

3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

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

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".

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".
In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 7 – Outdoor space and Principle 8 – Energy efficiency, of the 'House Extension and Alterations SPD' is relevant.
The front porch extension would have an area of 5.6 square metres which is acknowledged to be outside the Permitted Development Rights restrictions however its limited scale and projection from the host dwelling's primary elevation viewed against the varying porch extensions present in the streetscene would indicate that the proposal would be of minimal impact to the streetscene. In addition, the design of the porch with the pitched roof would also be visually in-keeping with existing examples.
The single storey rear extension would be set down from the host dwelling's roof ridge and be of modest width and projection aiding in the extension's scale appearing subservient to the main dwelling. At the ground floor the

small-scale rear extension would have a new lean to roof which would also considered to be a subservient and small scale alteration. The rear extension would not be viewed from the highway at certain angles, being constructed from materials which match the host dwelling materials and existing examples of similar schemes demonstrate that the proposed would have little visual impact on the streetscene. The design of the roof would harmonise well with the existing roof.
The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan, principles 1, 2 and 7 of the 'House Extensions and Alterations SPD' and policies within chapter 12 of the NPPF.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

In addition, the 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light and Principle 6 – Preventing overbearing impact.

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 13 (northwest), No. 12 (southwest) and No. 16 (northeast).

No. 13
With regard to No. 13, there exists a single storey rear detached garage each in both properties' rear garden, similarly positioned. The proposed would add a rear extension that would be positioned closer to the shared boundary but still set back 2.5m, the closest section would project a minimal distance from the rear elevation and aided by the lean to roof and separation distance would not have adverse impact on overbearing or overshadowing. Both sections of the rear extension would not have any windows facing No. 13 or its rear conservatory extension but would improve the relationship with overlooking and privacy with the removal of existing windows facing and therefore would not be regarded to significantly overlook this property as a result of this development.

The front porch extension would have one window which would serve a hallway within facing their front porch area which would face a blank wall and

offer a very restricted view of the side of their front bay window and no direct views internally. The proposal is aided by being a small scale single storey development set to the northeast of the property and separated by 4.4m between properties, for these reasons the proposal would ensure that there would be no additional significant overbearing, overshadowing or overlooking impact

No. 12
The proposed front extension would have a separation distance of 21m to habitable windows which complies with design guidance provided by the adopted 'House Extension and Alterations SPD' and being a small scale single storey development set to the southwest of the property the distance involved would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

The rear extension would be screened from view by the bulk and massing of the host dwelling from No. 12 which would ensure that there be no additional detrimental overbearing, overshadowing or overlooking impact.

No. 16

This property has patio doors adjacent to the existing rear conservatory walls of No. 14. It is acknowledged that the change to a single storey rear extension would necessitate change of materials to brick for energy efficiency considering its new purpose. In addition, while it is noted that the extension would be set similarly to the neighbouring boundary, this aspect of the proposal could be undertaken by utilising Permitted Development Rights. The proposal is set away from the boundary by 0.1m.

The proposal has a projection of 3m adjacent to no.16 and this increases to 3.6m, the 3.6m projection is set away from the shared boundary by 0.6m.

Considering the position of the proposed rear extension in relation to the neighbour and the increased original projection having some increased impact on overshadowing despite being single storey, the proposal has been reduced to 3m with a further projection set in from the side elevations. As such it is considered that the impact in terms of overshadowing or being overbearing / oppressive would not be of such significance as to warrant refusal, particularly when taking account of the level of development able to be undertaken under pd right.

In addition, there would be no glazed sections facing the neighbour which would lead to an improved relationship in terms of overlooking and privacy.

The change of roof form from hipped to lean to would aid in ensuring that the existing bulk and massing of the roof form would be reduced in relation to overshadowing and overbearing impact. As such, it is regarded that the reduced extent of the single storey extension with a lean to roof proposal minimised additional impact on overshadowing, removed impact on

overlooking/loss of privacy and had no increased impact on overbearing which would be to an unacceptable degree.

The single storey front porch extension would be set back from the shared neighbouring boundary of the property by 3.5m, it would have a pitched roof design and be located to the southwest with no proposed windows facing from its side elevation. For these reasons the proposal for a front porch extension would ensure that there be no additional detrimental overbearing, overshadowing or overlooking impact.

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.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site as the front porch would be sited within an existing entrance area not for car use. It would retain the existing driveway's width and depth, whilst it is acknowledged that the driveway does not meet KC Highways Design Guide standards for off street parking, the proposal would not intensify the use of the site with additional bedrooms and therefore would not cause significant additional harm to highway safety.

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.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6 – Representations:

One representation had been received and the plans amended to address those raised.

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: 2021/94021

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location Plan. Reference: 2151. Order No. 463363. Revision: -.	-	19/10/2021
Plans – Block Plan	Block Plan. Reference: 2151. Order No. 463363.	-	19/10/2021
Plans - Grouped Plans and Elevations	Existing Plans and Elevations. Project No. 2151. Drawing No. 01. Revision: -.	-	19/10/2021
Plans - Grouped Plans and Elevations	Proposed Plans and Elevations. Project No. 2151. Drawing No. 02. Revision: A	A	08/12/2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on overshadowing.

Report Dated: 08/12/2021