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:	**2021/62/94064/W**
Site Address:	27, Woodlea Avenue, Marsh, Huddersfield, HD3 4EF
Description:	Erection of single storey rear extension with raised patio
Recommending Officer:	Hubert Lam

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: 08-Feb-2022

Officer Report

2021/94064 - 27 Woodlea Avenue, Marsh, Huddersfield, HD3 4EF

Site Description

The application site 27 Woodlea Avenue is a two-storey detached dwelling, the site of which is within a residential area and Bat Alert Area, and not within any other specific designations according to the Kirklees Local Plan.

Description of the Proposals

The application seeks planning permission for the proposed erection of a single-storey rear extension with raised rear patio, to 27 Woodlea Avenue, a two-storey detached dwelling, the site of which is within a residential area.

An amended plan (ref:- A.40803.3.200.01) was received on 13th January which introduces a privacy screen as part of the scheme to the elevation facing the shared boundary with the neighbouring property to the west and would be in place upon the raised platform.

Planning History

Reference Number: 96/62/93433/W1
Description: ERECTION OF RESIDENTIAL DEVELOPMENT (150 DWELLINGS) AND GARAGES AND ASSOCIATED WORKS
Status: CONDITIONAL FULL PERMISSION

Reference Number: 99/62/91333/W1
Description: ERECTION OF 15 NO. DETACHED DWELLINGS WITH INTEGRAL GARAGES (SUBSTITUTION OF HOUSE TYPES)
Status: CONDITIONAL FULL PERMISSION

Reference Number: 2021/TWA/91554/W
Description: Work to TPOs 03/79
Status: PART GRANTED / PART REFUSED

Representations

The application has been advertised by neighbour notification letters. Final publicity expired 02 December 2021. No representations were received.

Consultee Responses

None received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 (2019)

LP1 Achieving Sustainable development
LP2 Place Shaping
LP7 Efficient and effective use of land and buildings
LP24 Design

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. Although the period for a potential it is now a material consideration in the assessment of householder planning applications. 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 these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPD is applicable:

- House Extensions and Alterations SPD

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 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Consultee Responses

None received.

Appraisal

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, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

Visual / Residential Amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not significantly reduce amenity space, have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The application site is in the district of Marsh and within a residential area; the host property is a two-storey detached dwelling accessed by Woodlea Avenue to its south-facing front principal elevation. The proposed single-storey rear extension would extend 4.0m from the rear north elevation of the main dwellinghouse, and a proposed patio area with associated bi-fold patio doors, perimeter fencing, and steps facing into the rear garden and surfacing works extending a further 1.5m in length, with a width of 5.8m and its west elevation in-line with that of the existing main house, and a dual-pitched roof section 5m at the ridge and 3.6m at the eaves.

The proposed high level reduced depth window at a height of 2.6m to its west elevation would preserve the privacy of the immediate neighbour 25 Woodlea Avenue to the west of the host property while allowing for sufficient natural light into the proposed extension; while the proposed full-depth windows on the east elevation would be of a sufficient separation from the neighbour 29 Woodlea Avenue to the east, would be screened by the existing trees and vegetation, and would not pose a significant detrimental impact on privacy and residential amenity in this respect.

The Case Officer raised initial concerns regarding the potential impact of the patio area on the privacy and residential amenity of 25 Woodlea Avenue, due to its layout and orientation and its relative proximity to the site boundary and the neighbouring property. It was subsequently agreed with the applicant / agent that an obscure privacy screen would be installed at a height of 1.8m along the west elevation of the proposed patio area to preserve this privacy and maintain a high degree of residential amenity. The proposed extension and patio area, with condition to secure the screening to the western elevation of the patio is considered to be of an appropriate scale and massing that is clearly subservient to the existing main dwellinghouse and would be constructed with materials matching in external appearance to blend into its existing built fabric.

Due to its location, layout, and separation from the nearest neighbouring properties, the proposed extension, subject to conditions, would not pose any

significantly greater impact on the shading, privacy, and residential amenity, and would not significantly detract from the character and the streetscape of Woodlea Avenue or that to its wider surrounding character and setting. As such, the proposed extension would accord with Section 12 of the NPPF, Policies LP1, LP2, LP7, and LP24 of the Local Plan, and the specific guidance on sustainability and design as described by the Kirklees House Extensions & Alterations SPD.

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 dwelling benefits from on-site parking for at least 2no vehicles on its private drive and substantial off-street parking. The proposal will not materially intensify the site so as to the point where the provision off additional parking provision would be critical. Therefore, the proposed development will not materially impact on matters of highway safety, thus, according with policies LP21 and LP22 of the KLP.

Ecology and Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats, and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified Bat Alert Area, due to the scale, location, and type of the proposed works, it is unlikely that any bat roosts would be affected as a result of such works. As such, subject to informative requiring works to cease and Natural England contacted in the event bats are discovered, the proposal would be considered acceptable in light of the aforementioned policy / legislation.

Other Matters

Carbon Budget

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 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. As the proposal is for a relatively small extension to an existing dwelling, it is not considered reasonable to add any carbon budget / climate emergency related condition. The scheme therefore complies with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Representations

No representations were received.

Conclusion

Having assessed the application against the relevant local planning policies and the National Planning Policy Framework, it is considered that the proposed works, in isolation and aggregate, would not bear any significant detrimental impact to the residential and public amenity of the house or its residential setting. Regarding all these elements, the proposal represents a sustainable and appropriate form of development both upon the house and its associated outbuildings and structures and its surroundings, and therefore to withhold planning permission would be unreasonable.

Recommendation

That this application be GRANTED permission subject to the following conditions:

Conditions / Reasons

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. 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: In the interests of sustainable design principles and sound planning practice, in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 15 of the adopted SPD on House Extensions and Alterations and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework.

03. Notwithstanding the plans submitted the external walls and roofing materials of the development 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 LP1, LP2, and 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.

04. The development hereby approved shall not be occupied until the installation of the obscure glazing screen as shown upon the side elevation upon submitted drawing A.40803.3.200.01. The obscure glazing screen shall be to a minimum of Grade 4 standards. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Location Plan	A.40803.001		25 Oct 2021
Existing Layouts (Plans and Elevations)	A.40803.0.100.00		25 Oct 2021
Proposed Layouts (Plans and Elevations)	A.40803.3.200.01	Rev 1	13 Jan 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Date of Report: 17 January 2022