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:	**2021/62/94110/W**
Site Address:	34 , Woodhouse Avenue, Fartown, Huddersfield, HD2 1BP
Description:	Erection of part single storey rear extension
Recommending Officer:	Sam Jackman

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: 24-Jan-2022

SITE DESCRIPTION – 2021/94110

34 Woodhouse Avenue, Fartown is a middle stone terrace of 8 with a rosemary tiled roof. Located on a sloping site, resulting in the neighbours either side being in a stepped relationship with the host property, furthermore the rear garden is accessed from the
rear of the property via several steps down into the garden.

The property benefits from an existing single storey rear extension which projects 3.1m by 3.3m which is set in from the neighbours shared boundary either side of the property, built from stone with concrete interlocking roof tiles.

DESCRIPTION OF PROPOSAL

The application is for single storey rear extension, extending the existing extension to the side boundary with No. 32 Woodhouse Avenue.

The measurements of the proposal are as follows:

- 3m in projection in line with the existing extension
- 1.2m in width
- 2.8m in height to the eaves; 4.5m in overall height on the boundary

Materials proposed would be concrete interlocking roof tiles with horizontal Hardie plank in anthracite grey fibre cement cladding for the elevations.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F94110

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, clarification was requested with regards the Hardie plank.

Product link
https://www.jameshardie.co.uk/en/colour-design/colours

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

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 the 8.12.21, whereby no representations have been received.

CONSULTATION RESPONSES

Health & safety notified 4.11.21, with no comments received.

POLICY

The site is unallocated on the Kirklees Local Plan, however, falls within an area with a known presence of bats and within the consultation distance from a Hazardous Installation.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 22 - Parking
- LP 24 – Design
- LP 30 - Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, together with Circulars, Parliamentary 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
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (SPD)

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.

Legislation

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).

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that “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.”

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. In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the now adopted Kirklees Supplementary Planning Document on House Extensions (SPD) which come into effect on 29th June 2021 and attracts weight as a material consideration.

Within the newly adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These polies state the following:

- 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 Section 5.1 followed by 5.2 of the Supplementary Planning Document refers to the general rules, where a rear extension should:

- 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.

- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

In Section 5.6 of the Supplementary Planning Document specifically refers to single storey rear extension which 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.

When assessing the impact of overshadowing on neighbouring properties, with regards to rear extension built close to the shared boundary with its neighbour, section 4.17 of the Supplementary Planning Document states the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

Principles 1, 2 and sections 5.1, 5.2, 5.6 & 4.17 are relevant to the consideration of the principle of the development, visual amenity and residential amenity and are considered within the following report.

In this case, the principle of development site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all 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..."*

Principle 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this case the extension has been designed to reflect the host property with regards to the roof design, a continuation of the existing lean-to roof using matching roof materials. Albeit the use of Anthracite grey Hardie Plank for the walls isn't traditional to the host property, it adds a contemporary addition to this property. Furthermore the proposal is to the rear of this 1920's property which is not a Listed Building or in a Conservation Area, with limited view from the public highway.

The proposal would not significantly reduce amenity space for the occupiers of the host property and is considered to therefore accord with Principle 7 of the House Extensions SPD in this regard.

With regards the Supplementary Planning Document single storey rear extension which should:

- be in keeping with the scale and style of the original house, in this case the proposal is a small narrow addition to the side of an existing extension.
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings). The proposal is small in scale measuring 3m by 1.4m
- 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; in this case the property is a middle terrace where the

extension would be 4.5m high due to the stepped relationship of the topography within the area, which is minimised by the lean-to roof.

- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; the extension would project 3m where the eaves do exceed 2.5m at 2.8, due to the changes in levels.
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge. In this case the existing gap will be built on, resulting in the extension being built on the boundary, where the neighbour already has a conservatory extension projecting 4m built almost on the boundary with the application site. Therefore, a similar arrangement already exists with the neighbour's property.

The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, it is concluded the proposal is compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, the newly adopted Supplementary Planning Document for household extensions and advice in the National Planning Policy Framework.

Whilst the extension exceeds the height guidelines set out in the SPD, in this case the existing property is already at a higher level due to the topography of the area with an existing extension, where it is considered, the small infill extension would still be a subservient addition to the dwelling and would have a marginal impact on the area than the existing extension does, in this specific case, the height is considered acceptable.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within 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, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, it would not comply with the 45-degree rule with respect to the nearest ground floor window if the adjacent neighbour No 32 was unchanged. Where in this case the neighbour has built a 4m rear conservatory, therefore, changing the relationship between windows which would be acceptable under the 45*rule. The first-floor window arrangement is unchanged given that it's a single storey extension.

No.34 has two attached neighbours; no.32 & 36 Woodhouse Avenue. There are no properties to the rear.

Impact on No.36

No.36 is at a higher level and to the north of the property, where the existing extension would screen the proposed extension from this neighbour. Therefore, the extension would have little impact on this neighbour with regards being overbearing or overshadowing with no overlooking windows.

Impact on No.32

No.32 is at a lower level and to the south of the property and is the closest neighbour to the proposed extension. The proposed extension remains single storey, with no side windows. It is accepted that the extension would be built on the boundary creating a new solid wall closer to the neighbour than the existing extension. However, the existing extension already has some impact on this neighbour due to the difference in levels between the two.

However, it is noted this neighbouring property has a large conservatory to rear with the side windows close to the existing boarded fence. Furthermore it should be noted that the applicant could build an extension on the boundary under their permitted development rights, albeit not as high (3m eaves / 4m roof ridge height). This could be resolved by a flat roof which isn't ideal from a visual point. It is therefore considered that the difference between an extension constructed under permitted development rights by comparison to that proposed is such that the proposal would have a marginal additional impact on this neighbour than the existing situation with regards being overbearing or overshadowing with no overlooking windows featured within the elevation facing no.32.

It should be noted that the existing extension and additional extension would also have 2 rooflights in the existing roof slope, these are considered to be small in scale and would have little overlooking potential of their neighbours either side.

Therefore, it is considered that the proposed extension is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of Policy LP24 of the Kirklees Local Plan, principles 3, 5 and 6 Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the NPPF

Impact on highway safety:

Policy LP22 of the Kirklees Local Plan, and Key Design Principle 15 of the adopted House Extensions & Alterations SPD seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the parking arrangement is unchanged where the property doesn't benefit from any off-street parking. However, the prosed extension is small in scale where the additional living accommodation is minimal, so additional parking is required in this case.

It is therefore concluded the proposal meets the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology &

Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the main roof structure of the host property as the proposal is single storey where the existing extension appears to be in a good state of repair.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Health & Safety – no comments received however the proposal is small in scale to a domestic property, therefore unlikely to raise any concerns.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2021/94110

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 51 of the Planning and Compulsory Purchase Act 2004.

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 LP01, LP02 & LP24, principles 1, 2, 3, 4, 5, 6, 7, 8, 9,

10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12, and 14 of the National Planning Policy Framework.

3. The external roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and policies within Chapter 12 of the National Planning Policy Framework.

4. The external cladding shall be horizontal Hardie plank anthracite grey or similar and shall thereafter be retained for the lifetime of the development
Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and policies within Chapter 12 of the National Planning Policy Framework.

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	Date Received
Application Form		2.11.21
Location Plan 1:1250	2733 ACU LOC	28.10.21
Existing layout & elevations	2733 ACU (100)01	28.10.21
Proposed layout & elevations	2733 ACU (100)02	28.10.21

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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:	13.1.22

Coal – high risk