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:	2021/62/94135/W
Site Address:	508, New Hey Road, Salendine Nook, Huddersfield, HD3 3XF
Description:	Erection of single storey side extension, front porch and bay window and new roof to existing garage
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: 22-Dec-2021

Application: 2021/94135 /W

Site: 508, New Hey Road, Salendine Nook, Huddersfield, HD3 3XF

Proposal: Erection of single storey side extension, front porch and replacement garage roof.

SITE DESCRIPTION

No.508 New Hey Road is a semi-detached dwelling faced in stone with a hipped roof. To the front and side is a linked single storey extension attached to the bay window to the front room where the roof of the side extension is flat.

Located on the side elevation of the property is an access door to a basement.

The dwelling has a detached single garage (stone built) which connects to a driveway leading to an unnamed access road shared between no.508, two bungalows to the west and the adjacent YMCA club.

The YMCA club, to the north, has grounds to the rear of the site. The access road connects to New Hey Road, which the dwelling obliquely fronts onto.

DESCRIPTION OF PROPOSAL

The proposal is a modified proposal for a previously approved single storey side extension, front porch, bay window and replacement garage roof.

The front porch would be approx. 2.6m wide by 2m projection similar to that already built and approved. It would have a hipped roof rather than the lean-to roof approved which would extend over the bay window, replacing the existing flat roof as before. However, the existing bay window would be replaced with a square bay rather than one which has a splayed corner.

The existing side corridor and kitchen would be replaced with a larger side extension, projecting 3.3m from the gable by 7.3m the depth of the property with a lean-to roof, with a new access door to the existing basement, with steps from the back garden.

The extension would create a new porch, an entrance lobby, utility, WC and kitchen area.

The existing garage would have a new pitched roof.

All materials are proposed to match those of the host building.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

2021/62/91880/W Erection of single storey side extension, front porch and alterations to garage roof – approved and extant

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F91880

2018/62/90705/W – Erection of two storey side extension – Conditional Full Permission - not built and now expired.

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

None

POLICY

The site is unallocated on the Kirklees Local Plan.

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 19th February 2019, 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 5.17 of the Supplementary Planning Document refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

In section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and

The extension would not unreasonably affect the neighbouring properties

The adopted SPD section 5.30 states that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

Principles 1 & 2 and sections 5.17, 5.2, & 5.3 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 considered 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.

The property is a semi-detached located across the corner with the entrance to YMCA and is not prominently visible, projecting towards the open land of the YMCA, the extension would not cause terracing being single storey, along with the fact it is one of two semi detached properties which are at an oblique angle to other neighbouring properties.

The current side extension is single storey and smaller, which is considered visually unattractive as the architecture, materials and roof form fails to mimic or respect the host building. Its removal is considered beneficial to the visual amenity of the building, the previous approved scheme is again smaller than the proposed albeit marginal and albeit larger, it would be seen as beneficial

to start again rather than trying to add to the existing structures therefore, making the new extension more coherent.

The proposed porch replaces a similar size and is set back from the road.

Therefore, the altered side extension and porch are considered to be subservient in scale, with a harmonious design, so as not to visually unbalance the semi-detached pair.

The proposal also includes a new pitched roof over the garage and albeit adds additional volume it replaces an existing flat roof which will be again visually more attractive.

Works are to be faced in matching materials, which is considered to improve the appearance of both the garage and host property given it would replace existing unsympathetic additions / flat roofs. A condition is recommended to be imposed requiring them to visually match. A usable garden space would remain following the construction of the proposals.

Therefore, both extensions are concluded to be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, principles 1, 2 and 7 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

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 require that development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing

The proposed extension does not project beyond the dwelling's rear elevation and will not be evident from the habitable room windows of the attached neighbour, no. 506, or the detached neighbours to the east. While it will be visible from the garden spaces of these dwellings, its scale / design is such that it is considered it would not cause overbearing or overshadowing to a significant degree.

To the west of the site, across the YMCA access, is a pair of semi-detached bungalows; nos.514 and 516 New Hey Road. They face no.508's side elevation at an oblique angle; the proposed side extension as amended will reduce the separation distance from the bungalows to no.508. The current separation distance is 22m, which will be reduced to a minimum of 16.5m. Given the extension is single storey it is considered that there would be little impact given the differing orientations of the dwelling to the bungalows. Taking into account the separation distance and orientations, it is not

considered that the proposal would cause materially harmful overbearing or overshadowing upon the residents of no. 514 and 516.

Turning to overlooking, the window on the front is to a non-habitable room where the side windows are both non-habitable and habitable, where the habitable room window located towards the rear of the property would be screened by the existing garage and will therefore not impede on the privacy of neighbouring residents. The proposed porch / bay window would replace existing similar structures and are not considered to lead to a significant increase in overlooking over and above that which exists already.

With regards the new garage roof, again this would add additional height to the building but given the separation distance is unlikely to impact on neighbouring properties.

Therefore, it is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking as the proposals are small in scale and single storey with no additional overlooking windows.

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 and spaces for three cars can be achieved.

As such the proposal is concluded to meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety, advice in the Supplementary Planning Document 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 existing roof structure of the host property as the proposal is single storey. The new garage roof replaces a flat roof, which again has limited potential for bats.

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.

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: 2021/94135

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 walls and roofing materials of the extension 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 so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, & LP24, principles 1 and 2 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapter 12 of the National Planning Policy Framework

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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
Existing layout & elevations. Location Plan 1:1250	DL732-01a	2.11.21
Proposed ground floor layout & elevations	DL732-01a	2.11.21

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: 15.12.21

Coal – low risk