

**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:	2021/62/94184/W
Site Address:	1, Summerfield Grove, Lepton, Huddersfield, HD8 0BQ
Description:	Erection of single storey rear extension
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Permission- Approved

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.

David Wordsworth

AUTHORISED OFFICER

Date: 24-Jan-2022

Officer Report.

Reference: 2021/94184

Location: 1, Summerfield Grove, Lepton, Huddersfield, HD8 0BQ

Proposal: Erection of single storey rear extension.

Site Description.

1 Summerfield Grove is a detached single-storey dwelling, located in Lepton, Huddersfield. The property is faced in natural stone and render and has a gable roofing form infilled with plain concrete tiles. The extension as proposed under this application has already been constructed and therefore, at present, the property benefits from a single storey extension to the rear. Within the wider curtilage the property benefits from garden amenity space to the rear and on-site parking amenity space to the front elevation.

The property shares a strong sense of similarity with neighbouring properties to the north, which are also detached bungalows and faced in the same exterior materials.

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension. As the extension as proposed under this application has already been constructed, the application is retrospective.

The single storey extension projects 3.65 metres from the rear wall of the host dwelling (which is L-shaped) and has a width of 3.45 metres, set in 0.7 metres from the northern side elevation of the dominant dwellinghouse. The height of the extension is the same as the height of the host property, 3.5 metres.

The extension is faced in natural stone and render and has a gable roofing form erected above, infilled with matching plain concrete tiles. With regard to fenestration, regular windows are present to the northern side elevation, one large window is erected to the rear elevation and glazed bi-folding doors are erected to the southern side elevation. These windows and doors are framed in uPVC, matching the other forms of fenestration on the host dwelling.

Within the interior of the dwellinghouse, the extension functions as a sitting room.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

No relevant planning history.

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 10th December 2021 – 1 general comment and 1 representation was received.

The general comment stated: “...*the subject of planning application is already built and being lived in.*”

The representation raised the following concerns:

- overlooking through the rear windows to neighbouring properties and loss of privacy
- noise from the close location of the extension to surrounding neighbouring properties, e.g. through the patio doors
- over-development of 1 Summerfield Grove

Consultation Responses.

Kirkburton Parish Council – had ‘no comment’ on the proposal.

Policy/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).

The application site is Unallocated in the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design

Supplementary Planning Documents – **Kirklees House Extensions and Alterations SPD:**

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed

guidance regarding the standard of development that will help achieve a well designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'

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, 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, Coastal Change and Flooding

Assessment.

The following matters that will be considered as part of the assessment of this proposal are set below. These considerations will be looked at in detail individually:

- 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 notion in 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, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment..."*

In line with the NPPF, policy 1 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."*

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 instance, it can be stated that the principle of development of this application is acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. 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 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.

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...
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD further states that single storey rear extensions 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
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The single storey rear extension at 1 Summerfield Grove appropriately complies with the first four design criteria as set out above. With regard to been set in one metre from the neighbouring boundaries to the north, the rear section of the extension is not set in by an entire metre. However, given that the entire extension is set in (to some extent) from neighbouring boundaries to the north and that it is set in by 0.7 metres from the side elevation of the host dwelling, it is considered that there would be no further design benefit to setting the extension away from the northern boundary of curtilage by an increased extent. In addition, from a design perspective, it would not be feasible to set the extension in from the northern boundary by an entire metre, risking the loss of the original architectural L-shaped design of the dwelling.

The rear extension at 1 Summerfield Grove is considered to be subservient, due to its single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a gable roofing form works to naturally reduce undue bulking/massing from the overall design of the extension, further enhancing the subservience of the rear addition. It should also be acknowledged that the extension completely harmonises with the existing architectural form of the dwelling, of the same height and following the original L-shaped design.

The forms of fenestration are also considered to be acceptable visually, in keeping with the modern development style of the host property whilst further enhancing the contemporary design of the dwelling through the erection of glazed sliding doors and one large window feature to the rear elevation.

In turn, it can be concluded that the extension is not an obtrusive addition to the host dwelling and sympathetically complements the existing architectural style of the host dwelling.

With regard to the wider streetscene of Summerfield Grove, the extension is not visible from outside of the curtilage of the dwellinghouse, set to the rear and tall wooden fencing bounding the property to several elevations. Therefore, it can be concluded that the extension poses no detriment visually to the existing setting of the property within the wider streetscene.

Within the wider streetscene it is noted that several other properties appear to have undertaken similar works, erecting rear extensions. This includes the immediately neighbouring property of 3 Summerfield Grove whereby a desktop historical investigation shows a rear extension to have been constructed between the years of 2018 and 2021.

For all the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extension and Alterations SPD.

2. 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.

Key Design Principles 3, 4, 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.

The proposal sees the retention of a functional amenity space and is therefore, not considered to be overdevelopment.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 3 Summerfield Grove, No. 35 Manor Park Way and No. 33 Manor Park Way. It is considered that the single storey rear extension at 1 Summerfield Grove is set a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 3 Summerfield Grove – this property is located to the north of the application site.

Given the single storey nature of the rear extension to 1 Summerfield Grove, as well as the retained separation from the shared boundary, it can be concluded that the extension presents no significant impact of undue overbearing or overshadowing for the occupiers of No. 3 Summerfield Grove. In addition, although a window is erected to the northern side elevation, this does not significantly detriment neighbouring privacy, with a tall wooden fence exceeding the height of the window. As such, visibility from this window is limited to the fence only, presenting no potential of overlooking into the neighbouring curtilage of No. 3 Summerfield Grove.

No. 35 Manor Park Way – this property is located to the west and overlooks the rear of 1 Summerfield Grove.

Given the single storey nature of the extension to 1 Summerfield Grove and a retained separation distance of approx.. 4.3 metres from the rear boundary of curtilage at 35 Manor Park Way, no significant impact of undue overbearing or overshadowing will be caused.

In addition, the rear window does not impede negatively upon neighbouring privacy, set further north than the property of No. 35 itself and tall wooden fencing erected all around the site's curtilage. In turn, it is concluded that the rear extension poses no significant impact in the form of overlooking.

No. 33 Manor Park Way - this property is located to the north west of the application site.

Given the extent of separation between the site of the extension to 1 Summerfield Grove and this neighbouring property, it is concluded that the extension presents no significant impacts of been overbearing or creating an overshadowing effect. In addition, the proposed glazing does not impede negatively upon neighbouring privacy, with tall wooden fencing erected around the site that mitigates the potential for overlooking.

For these reasons, the development at 1 Summerfield Grove is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD.

3. 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 proposed development does not increase the domestic function of No. 1 Summerfield Grove, nor does it alter the existing parking arrangements on site or access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, the proposal appropriately accords with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4. 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.

Considering the 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 Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

1 representation was received, it raised the following concerns:

The representation raised the following concerns:

- overlooking through the rear windows to neighbouring properties and loss of privacy

Reply: As set out in the 'residential amenity' section of this report, the extension is not considered to present an undue extent of overlooking through the rear window and will not result in the loss of privacy to neighbouring properties.

- noise from the close location of the extension to surrounding neighbouring properties, e.g. through the patio doors

Reply: the extension is not considered to cause an increase in noise, with the patio doors presenting the same potential for noise as the existing rear garden amenity space.

- over-development of 1 Summerfield Grove

Reply: the extension will not result in over-development of the site.

6. 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.

The proposed extension is acceptable in design terms and its impacts will not adversely affect the residential amenity of neighbouring properties or character of the surrounding area. 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: 2021/94184

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6 and 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 2, 12 and 14 of the NPPF.

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 be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

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.

Note: The application site is located in a high coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Plans and Elevations	0136_2021	-	3.11.21
Existing Plans and Elevations	0136_2021	-	3.11.21

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 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 amended plans were sought or submitted.

Report Dated: 19.1.22