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: 2021/62/94250/W

Site Address: 1, Westbrook Drive, Waterloo, Huddersfield, HD5 0AG

Description: Erection of single storey side and rear extension

Recommending Officer: Laura Yeadon

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: 10-Jan-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94250

Site Description

1 Westbrook Drive is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is set back from the roadside and is separated by a front lawned garden. There is a driveway to the side which is accessed off Westbrook Drive and leads down the side of the property to a detached single garage to the rear.

The frontage of the property is constructed from red brick with pebble dash render at first floor, the side elevation is red brick and to the rear elevation the finish is pebble dash render with red brick quoins. The roof is constructed from concrete tiles. Westbrook Drive is comprised of semi-detached dwellings of a similar construction and design with the dwellings on Waterloo Road to the south being semi-detached dormer bungalows.

Description of Proposal

Permission is sought for the erection of a single storey side and rear extension.

The proposed extension would be set back from the front elevation of the property by 2.8 metres and would project to the side by 2.6 metres. The extension would span the full depth of the property and would project off the rear elevation by 2 metres, being set in from the shared boundary with No. 67 Waterloo Road by 0.75 metres at the closest point. The extension would span across the rear elevation of the property being set in from the boundary with the attached neighbouring property by 0.2 metres. The eaves height of the extension is 2.6 metres with the overall height being 3.85 metres to the ridge of the lean-to roof.

It is proposed that the front elevation would be constructed from red brick with a rendered side and rear elevation above a brick course at floor level.

History of negotiations/amendments received

None

Relevant Planning History

None

Representations

We are currently undertaking the legal 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.

Final publicity date expired 23rd December 2021 – no representations received

Parish Council – not applicable

Consultation Responses

Local Lead Flood Authority – condition requested in accordance with details submitted

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP 27 – Flood Risk
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network

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, 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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD):

- House Extensions and Alterations Supplementary Planning Guidance

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.

Assessment

The following matters are considered in the assessment below –

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

<u>1 – Principle of development:</u>

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”.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking

With specific regard to the proposed development the SPD states in terms of single storey rear extensions, these 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.

In terms of single storey side extensions, these 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. These principles and the relevant design guidance of the House Extensions and Alterations SPD is taken into account within sections 2 and 3 of this report.

These principles and the relevant design guidance of the House Extensions and Alterations SPD is taken into account within sections 2 and 3 of this report.

On the basis the proposal is considered acceptable in terms of visual impact it is considered the principle of the development is acceptable.

The property hosts full permitted development rights.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

A single storey extension is proposed which would wrap around the side and rear elevations of the property. Due to being single storey in height the extension would be subservient to the host building.

The proposal would be limited to a 2.6 metre projection to the side and would have a projection to the rear of 2 metres. It is noted that the extension would be set in from the shared boundary with No. 67 by 0.75 metres however this would not accord with the requirements of the SPD which recommends a 1 metre separation. However, this would be at the closest point and the design of the scheme is such that the rear corner of the extension would be chamfered to allow space to access the rear garden area externally.

The property hosts full permitted development rights and therefore, could construct a wider and deeper extension than that proposed without the requirement of Planning Permission which would result in the potential to remove the access to the rear garden area. As such, it is considered that this constitutes a realistic fall back which the applicant could implement and it would be unreasonable of the LPA to refuse consent on the basis there is not a 1 metre separation distance in this case.

The side extension is set back from the front elevation and due to the orientation of the property would be have a limited view from the street scene, as the extension wraps around the property, the rear extension would not be easily visible.

It is not considered that the works would result in an overdevelopment of the plot as there would be a usable remaining amenity space both to the front and rear of the dwelling.

The proposal is therefore considered to have an acceptable impact on visual amenity and subject to condition would accord with Key Design Principles 1, 2 and 7 of the House Alterations and Extensions SPD, Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

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 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 closest neighbouring properties to the application site are the attached neighbouring property No. 2 Westbrook Drive and the adjacent property, No. 67 Waterloo Road.

In terms of the impact on No. 2, this property has not been extended to the rear. Due to the extension being located to the north of the neighbouring property, and fact a 45 degree line when taken from the centre of the cill of the windows to the rear of no.2 would not be cut by the proposal, it is not considered that that the extension would cause significant harm from any loss of light. In addition, the proposal is a 2 metre projection and therefore would have a minimal impact in terms of being overbearing. There are no proposed openings within the side elevation of the extension facing the neighbouring dwelling and therefore there are no concerns with regards to overlooking of no.2.

In terms of the impact on No. 67, the front elevation of the application site is set further back than the rear elevation of this neighbouring property. An extension has been constructed on the rear elevation of this property which has openings within the rear elevation. The front elevation of the application site's extension would face the neighbouring extension however the front elevation would host a doorway to a non-habitable room, as such no significant level of overlooking is considered to occur from this elevation.

There are side elevation openings within the proposed extension, one of which would be obscurely glazed and one would be clear. Whilst some element of overlooking could occur, it is noted that the extension is set in from the shared boundary and given that an entirely glazed structure could be constructed in the same location without planning permission, it is not considered reasonable to justify refusal of the scheme due to potential overlooking. The openings within the rear elevation would face the garden area with Round Wood beyond and therefore there is minimal harm from the rear elevation openings.

Given the single storey design and distance of the proposal from no.67 it is considered the development would not be unduly oppressive / overbearing. Furthermore, for the same reasons, the proposal is not considered to lead to an unacceptable level of overshadowing of no.67 over and above that which exists already.

It is therefore considered that the proposal would have an acceptable impact on residential amenity and would accord with both local and national policy.

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.

Whilst the extension would prevent access into the garage, there is adequate space on the driveway to park 2-3 vehicles comfortably. As such, there are minimal concerns in this regard.

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. No specific mitigation measures are required in this instance.

Strategic Green Infrastructure Network – the site is located within the Strategic Green Infrastructure Network and therefore Policy LP31 of the Local Plan needs to be considered. The Policy states that priority will be given to safeguarding and enhancing green infrastructure networks, assets and the range of functions they provide. As the proposed development is a house extension within an established residential area with no public right of access within the site, it is not considered that the any specific requirements to enhance the green infrastructure network.

Ecology –

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 received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Flood risk –

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

The site is located within Flood Risk Zone 3a and therefore a Flood Risk Assessment was required to be submitted. The Local Lead Flood Authority have been consulted. They have concluded that there is no objection to the proposal however have stated that the development should be constructed in accordance with the flood mitigation measures submitted as part of the 'Flood Risk Appraisal'. As such, an appropriate is recommended to be added to the decision notice to ensure this is the case.

6 – Representations:

None

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: 2021/94250

Officer Recommendation: Approve

Conditions

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 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, LP24, LP27, LP30 and LP31 of the Kirklees Local Plan Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 14 and 15 of the House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Plan and policies within Chapters 2, 12 , 14 and 15 of the National Planning Policy Framework.

3. The external walling 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 to accord with LP24 of the Kirklees Local Plan LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall be constructed in accordance with the details contained within the Flood Risk Appraisal submitted with the flood risk mitigation measures (finished floor level identical to existing building and inclusion of specific and resilience measures). The flood risk mitigation measures shall be thereafter retained.

Reason: To protect the existing and future occupiers of the property from flood risk in accordance with Policy LP27 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1446-10		15th November 2021
Proposed block plan	1446-11		15th November 2021
Existing and proposed elevations and floor plans	1446-03		15th November 2021
Flood Risk Appraisal	Planning Application No. 2021/94250		15th November 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 6th January 2021

Coal – low