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:	**2021/62/94371/W**
Site Address:	27, Helted Way, Almondbury, Huddersfield, HD5 8XZ
Description:	Erection of front porch, single storey rear and first floor side extensions
Recommending Officer:	Tom Hunt

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 07-Mar-2022

Officer Report

Site Description

2021/94371 – 27, Helted Way, Almondbury, Huddersfield, HD5 8XZ

The application site relates to a two storey, detached dwelling constructed of stone and tile roof situated within a cul-de-sac. It enjoys a driveway, which supplies 3 off street parking spaces, to its integral single car garage and a landscaped outside amenity space to the front and to the rear, a garden where there is a pre-existing first floor rear extension.

It is within a modern build housing estate with properties being similarly featured and constructed.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, not in the Green Belt and not adjacent to a PROW. Permitted Development Rights are removed under two applications 93/01853 and 96/91302 of which the latter is in effect (details in Planning History).

Description of Proposal

Erection of front porch, single storey rear and first floor side extensions

Single storey front porch extension
It is proposed to extend the existing porch which has a lean to roof canopy over the entrance and low stone walls. It would project from the existing entrance by 1.55m and from the integral garage (which is forward of the entrance) by 0.65m with a width of 2.05m. It would be roofed with a pitched roof design and the roof ridge would be 1.7m and eaves 1.3m in height from ground level. It would have a partially glazed door opening to the front and to the southeast elevation created, a vertical window. This would remain in use as a porch.

Single Storey Rear extension
The proposal is for a single storey rear extension adjoining a pre-existing rear extension to be roofed with a hipped flat roof finished with a roof lantern. It would project 4.6m from the rear elevation and be 4.6m width. The roof ridge height would be 3.5m and the eaves would be 2.5m. the only openings proposed are to the rear elevation of the extension. This would serve an open plan snug, kitchen/dining space. Overall the rear single storey element would be 11m in width.

This would remove the existing patio doors and window to the existing extension’s northwest elevation.

First Floor Side extension
To the northwest elevation, a first floor extension is to be formed extending 2.5m in width and 6.5m in depth with gabled roof design to match that of the

host property. The ridge of the extension would be set down 0.6m from the host roof ridge height with matching eaves to host. There would be a window to the first floor's primary and rear elevation and no side elevation windows formed. This would add two more bedrooms and an ensuite which would form a 5 bed property.

This would remove the existing window at the first floor side elevation of the host.

Materials
The materials proposed are to match the host with natural stone walls, concrete tile to roofs, and white uPVC openings. The lantern would be glazed powder coated aluminium.

History of negotiations/amendments received

The case officer considered the application on review and sought to have the scheme reduce in size and scale to comply with the adopted 'House Extension and Alterations SPD' and to reduce potential impacts on overshadowing.

Relevant Planning History

96/91302 – Erection Of 31 No Two Storey Detached Dwellings (Plot 28,39-68). Approved.
Permitted Development Rights:
(4) No windows or other openings other than those shown on the approved plans, shall be formed within the dwellings hereby approved without the prior written approval of the Local Planning Authority.

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the conversion of the integral garages.

93/01853 – Erection Of 67 Detached Houses, 2 Semi-Detached Bungalows, 7 Detached Bungalows And 16 Flats. Approved.

2003/90513 – Erection of Single Storey Rear Extension. Approved.

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: 05/01/2022

One representation have been received; a summary of the comments received is set out below:

- No provision for off street parking for a 6 bed property (site has two off street parking spaces available currently). Increase in off-street parking

spaces would lead to an detrimental impact on visual amenity through loss of landscaping.
Officer Note: The scheme has now been reduced to a 5 bed property and the impacts of this are to be evaluated within the Highway assessment

- The proposed scale of the extensions would be excessively large within the streetscene and disproportionate impacting on the design and contrary to LP24
Officer Note: This reduced scheme will be assessed within the visual amenity section of the report.
- Construction works will impact on availability of off street parking.
Officer Note: This would be a temporary impact due to the nature of development and not a planning material consideration.
- Noise impacts
Officer Note: A footnote has been attached reminding the applicant on their responsibilities on noise and disruption to limit the temporary impacts should the scheme be approved.

Consultation Responses

No technical consultees required.

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 unallocated on the Kirklees Local Plan. The site is within a Low Coal Risk area and Bat Alert Layer.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**

Kirklees Council has adopted its 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.

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 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – 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."

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".

In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 7 – Outdoor space and Principle 8 – Energy efficiency, of the 'House Extension and Alterations SPD' is relevant. Front extensions design guidance within the adopted 'House Extension and Alterations SPD' sets out that they should be small and subservient to the host, be set back from the pavement, match in materials and design to the original features of the host and not unreasonably affect the neighbouring properties. The proposed would be small and with its pitched roof design would mirror the existing gable end roof feature while using matching materials used within the host. In addition, it would not affect neighbouring properties detrimentally aided by being set back from the pavement and set within a large plot with sufficient boundary separation distance to either side of the plot.

The first floor side extension should be visually smaller in relation to the host, be set back at least 0.5m form the primary elevation with a vertical break from the roof plane and lowering of the ridgeline of the host with a complementary roof design and a retention of a 1m boundary gap to boundary walls to avoid a terracing impact. Viewing the reduced proposal's subservient design, set back position and set down from the roof ridgeline of the host with a 1m boundary gap retained, it conforms with the guidance given in the adopted 'House Extension and Alterations SPD'. Considering further, the reduced depth of the first floor side extension would increase positively the subservience of the proposed to the host ensuring that it is appropriately scaled and of good design in accordance to LP24.

Design guidance in the adopted 'House Extension and Alterations SPD' sets out that single-storey extension should not cover more than half the total area around the original house, not exceed 4m in height, not project out more than 4m unless the eaves are 2.5m in height from ground and to retain a 1m gap to properties boundary. The single-storey rear extension would be an infill extension serving to match the projection of the current single storey rear extension and the host flank elevation. The 4.6m projection from the rear elevation is mitigated by the roof and eaves height being under the recommended guides within the SPD with the retention of the 1m gap which cumulatively serves to reduce the visual impact of the proposed. The proposed would not cover more than half the total area around the host property and existing examples of similar schemes demonstrate that the proposed would have little visual impact on the streetscene. The design of the roof would harmonise well with the existing roof with matching materials whilst removing the bulk and massing using the hipped flat roof design.

Overall the proposal would offer an appropriately scaled and proportionate development to its plot whilst also retaining sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

In addition, the 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light and Principle 6 – Preventing overbearing impact.

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 40 (northeast), No. 29 (northwest), No.25 (east) and No. 8 Rushbearers Walk (southwest).

No. 40
With regard to No. 40 to the front, the proposed would have a separation distance of at least 38m to habitable windows, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 29
The proposed would serve to have both first-floor side extension and the single storey rear extension closer to the property on the northeast elevation of No. 27. Officers negotiated to have the depth of the first-floor side extension reduced and set back 1.4m from the rear elevation of the host to mitigate impacts on overshadowing and overbearing to its single-storey rear conservatory. The single-storey rear extension would be an infill extension set to the southeast of No. 29, the limited height of both the flat roofed ridge and the eaves with the property boundary separation distance of 1m would serve to offer an extension with restricted impact on overshadowing to the flank elevation glazing of the rear conservatory whilst avoiding detrimental impact on overbearing. On balance the design seeks to avoid detrimental impacts on overlooking, overshadowing and overbearing being appropriately scaled with a subservient design.

No. 25
Most of the proposal would have its bulk and massing screened by the host and the rear extension, the proposed single-storey porch extension is limited in projection and aided by the separation distance of 11m to their rear conservatory and the boundary wall with greenery providing screening, Officers are satisfied detrimental impacts on overlooking, overshadowing and overbearing would be avoided.

No. 8 Rushbears
This property to the rear would have a separation distance of 18m from the rear extension to the habitable windows of the host and the difference in ground levels between the properties with the shared boundary wall serves to

screen the side elevation windows enough for privacy and to sufficiently accord with Principle 3 of the adopted 'House Extension and Alterations SPD'. The single-storey design of the rear extension would avoid overbearing and overshadowing impacts aided by the separation distance between properties. The first floor side extension would have a window facing the property which would have less impact than the existing host building aided by being set back from the rear elevation of the host. For these reasons, Officers are satisfied that there would be no detrimental impact on overlooking, overshadowing and overbearing.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.
For a 4 plus bedroom dwelling, it should have three off street parking spaces. The internal dimensions of the integral garage would be approximately 4.7m depth and 4.3m width. Whilst it is acknowledged that the dimensions would not offer the required standard 3mx6m minimal standard expected, in addition to the existing two off street parking spaces, it does offer some use to the occupants. The representation received confirmed the importance of retaining green landscaping citing its positive impact on visual amenity which paragraphs 4.36, 4.41 and 4.43 of the adopted 'House Extension and Alterations SPD' concurs citing flooding mitigation as an additional positive impact. The property is not on a classified road and is on a cul-de-sac plot which limits the opportunity to provide additional space for off street parking. The slight intensification in use by the additional bedroom on a quiet residential street requiring the provision of off street parking needs to be considered against the positive impacts of natural landscaping retained on drainage and visual amenity, proposals should not result in street scenes dominated by hard surfacing and on balance Officers are satisfied that Highway safety would not be adversely impacted by the proposed while according with Principle 15 of the adopted 'House Extension and Alterations SPD'.

5 – 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 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.
In addition, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 11 – Water retention, Principle 14 – Drainage and flood risk of the adopted 'House Extension and Alterations SPD' is relevant.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. It is acknowledged that the use of natural stone, a low carbon embodied material, and the retention of the landscaped front amenity space with its tree would serve to positively affect water retention, biodiversity and use of appropriate construction materials as guided by the adopted 'House Extension and Alterations SPD'.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest on a relatively new-build property with well sealed roof eaves and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.
6 – Representations:

One representation had been received.

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: 2021/94371

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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and 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.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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	Version	Date Received
Plans – Location Plan	Location Plan.	-	19/11/2021
Plans - Grouped Plans and Elevations	Survey Drawing (Existing). Job No. P942. Sheet No. 13. Revision: -.	-	19/11/2021
Plans - Grouped Plans and Elevations	Planning Drawing. Job No. P942. Sheet 15. Revision: -.	-	22/02/2022

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. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on residential amenity, visual amenity and to accord with the adopted 'House Extension and Alterations SPD'.

Report Dated: 01/03/2022