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:	**2021/62/94377/W**
Site Address:	92, Wellington Street, Oakes, Huddersfield, HD3 3EP
Description:	Erection of two 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: 18-Feb-2022

Site Description - 2021/94377

92, Wellington Street, Oakes, Huddersfield, HD3 3EP

The application site relates to a two-storey mid terraced stone-built property located off Wellington Street in Oakes. Wellington Street is an adopted road but to the rear there is an unadopted access track. The property does not benefit from any off-street car parking but does have modest amenity areas to the front and rear.

The property has been extended with a single storey rear extension with a flat roof extending over ½ the width of the rear elevation.

The dwelling is constructed from stone with concrete interlocking roof tiles. The property also has UPVC windows and composite doors.

Description of Proposal

The application seeks permission for the erection of a two storey rear extension which is a modified proposal to a previously refused application.

The proposed two storey extension is to measure approximately 1.8m x 2.6m, with an approximate ridge height of 6.6m, following the footprint of the existing rear extension.

The proposal would replace the existing entrance with WC and a new bathroom above, to allow bedroom 2 to be enlarged.

The extension is to be constructed from stone with concrete interlocking roof tiles, all to match the host dwelling.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F94377

History of negotiations/amendments received

Amendments have been sought to show the roof to be a hipped roof and to have consistency between the elevation and floor plans.

Relevant Planning History

2021/90732 - Erection of two storey rear extension – Refused

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90732

The refused scheme sought consent for a two storey rear extension which projected 3m beyond the rearmost part of the single storey addition to the existing building.

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 the 29.12.21, whereby one representation has been received.

A summary of the comments received is set out below:

- Loss of light

The amended plans were considered to make marginal changes to the proposals design and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

No technical consultations required.

Planning Policy Background

The application site is unallocated in the Kirklees Local Plan but is located within a Bat Alert Area as well as an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity

National Polices 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal
- Chapter 15 – Conserving and enhancing the natural environment

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.

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).

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 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 policies 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."

Paragraph 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.

Section 5.8 goes onto refer to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

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.

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.

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

2 - 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, 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…"*

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.

The application site is surrounded by a number of other residential dwellings that are of a similar age and design. A number of these dwellings have been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing it may be acceptable to extend the host property.

The application as amended shows that the proposed extension would be stepped down from the ridge height of the existing dwelling with a hipped roof. The extension would be a new 2-storey addition which would follow the footprint of an existing single storey extension and would be built from matching materials.

The proposed 2-storey rear extension will not be visible from Wellington Street itself therefore will not harm the appearance of the street scene, when viewed from the front. There would be no loss of amenity space given the proposal is not increasing the footprint of the host property and would be above an existing single storey addition.

However, there is an access lane along the back, so the proposal will be visible form a public view. Where the elevation of the whole terrace row has been changed with both 2-storey and single storey extensions. It is therefore, considered albeit the extension would change the appearance of this elevation, given its size and design with a hipped roof would be acceptable when viewed from this access lane given the existing extensions to the rear of a number of properties in this row of terraced houses.

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to 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.

3 - 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

Neighbouring properties with the most potential to be impacted by the proposals are Nos. 90 & 94 with no neighbours to the rear of the property.

Impact on no 90 Wellington Street

This neighbouring property No. 90 adjoins the application site to the east, and already has a single storey rear extension. This extension features windows in the side elevation facing the proposal.

There would be no windows proposed in the side elevation, therefore, no overlooking or loss of privacy of this neighbour would occur.

As the proposed extension is to be built along the eastern boundary between nos. 90 & 92, there is an intimate relationship between both of these dwellings. The replacement of the existing single storey extension with a new 2-storey extension would create a structure close to the neighbour's kitchen window in their own extension and the window to what would have been the original kitchen in the back of the property. The current situation by the existence of their own rear extension already creates a tunnel effect in part, reducing the natural light to both these windows.

The additional first-floor, would have some additional impact on the ground floor windows first-floor window, however, this impact is considered to be reduced by the fact that the rear extension projects only 1.9m, the eaves are set below the existing eaves of the host property and the extension is of a hipped roof design.

Furthermore, it should be noted that the properties already face north, where the host property along with the neighbours 2-storey extension would already restrict direct sunlight into the neighbours' windows.

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 two nearest windows (upper and lower floor) in no. 90, where the ground floor arrangement already cuts this line with approximately 0.8m of the existing ground floor protruding beyond. This would also be the case for the first-floor.

The extent of the projection is not considered to lead to an unduly oppressive / overbearing impact with the projection being 1.8m from the rear of the host property.

Whilst there would be a degree of overlooking which is increased as a result of the proposal it is considered this would not be significantly over and above that which exists already by virtue of the design / siting of the existing single storey element.

On balance, taking account of the orientation of the site, scale of the proposal and existing built form in the locality it is considered that the impact upon the residential amenity of neighbouring occupiers as a result of overshadowing would not be to such a degree as to warrant refusal in this case.

Impact on no. 94 Wellington Street

This neighbouring property adjoins the application site to the west. As no windows are proposed within the western elevation of the extension there are no concerns in respect to overlooking or loss of privacy.

No. 94 already benefits from a two-storey rear extension which is similar in scale and size to the proposed extension, which doesn't have any windows in

the side, it is considered that the proposals would not lead to unacceptable levels of overshadowing or appear overbearing to this adjoining property.

It is therefore concluded that the proposal, on balance, is acceptable in terms of impact upon the residential amenity of neighbouring occupiers, having regard to policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

No changes are proposed to the existing access or car parking arrangements at no. 92 Wellington Street. Whilst it is acknowledged that the dwelling currently has no off-street parking and that parking is expected to occur on street, the Kirklees Highways Design Guide outlines that Kirklees Council has not set local parking standards, but notes that as an initial point of reference for residential development, 2-3 bedroomed dwellings should provide 2 off-street car parking spaces, but consideration to the accessibility of the development, the availability of and opportunities for public transport and local car ownership levels should also be given.

In this instance the existing dwelling would appear to have 2/3 bedrooms including the attic conversion, however, the proposals would not see an increase in bedrooms at the site, therefore there is no requirement for any additional parking provision. For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

<u>Biodiversity</u>

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.

Whilst it is acknowledged that the application site is located within a bat alert area, given the nature of the proposals to remove an existing flat roofed extension and replace it with a two-storey extension, it is considered unlikely that roosting bats would be found on site during construction works. However an informative will be added should the application be approved to highlight to the applicant that if roosting bats are found works on site shall cease and Natural England should be contacted.

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.

The proposal is for a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations
which would need to be adhered to as part of the construction process if planning permission were granted.

There are no other matters for consideration.

6 - Representations:

It should be noted that one representation has been received as a result of site publicity.

A summary of the comments received is set out below:

- Loss of light

Response- this has been addressed in section 3 of this report

The amended plans were considered to make marginal changes to the proposals design and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

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.

Decision Authorisation - Delegated Powers

Application Number: 2021/94377

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 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 advice within 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	Version	Date Received
Application form			22nd November 2021
Block Plan	0001		22nd November 2021
Side Elevations	0001	F	4th February 2022
Rear Elevations	0001	F	4th February 2022
Floor Plan	0001	F	4th February 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional plans have been received to show consistency between the drawing.

Recommendation and Authorisation Box

Report Dated: 9.2.22

Coal – low risk