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:	**2021/62/94392/W**
Site Address:	18, Stancliffe Way, Kirkheaton, Huddersfield, HD5 0JY
Description:	Erection of single and two storey extensions
Recommending Officer:	William Simcock

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: 02-Feb-2022

Officer Report 2021/94392
18 Stancliffe Way, Kirkheaton

Site Description

18 Stancliffe Way is a two-storey semi-detached house (the right-hand half of a pair as viewed from the highway) which has a small front garden and single-width driveway / parking space giving highway access, a single detached garage at the rear, and a small rear garden. The exterior is predominantly faced in brick, the roof in profiled tiles. It is situated in a row of two-storey, mainly semi-detached houses of similar design, although it is set back considerably further from the highway frontage than its neighbour to the west, no. 16. It faces school sports playing pitches across the road and there is undeveloped rough grassland at the rear.

Description of Proposal

The proposal is for the erection of:

- A two-storey extension to the side of the dwelling. It is to be 2.35m in width, set back 500mm from the existing front elevation, and extending 3.0m to the rear. The roof style would match that of the existing dwelling, but with the roof ridge and front roof slope set down slightly and with the rear-facing part also having a gable roof.

- A rear single-storey sunlounge extension projecting 4m. It would be tied into the two-storey extension and set in 1m from the boundary line.

- A front porch, 1.1m by 2.4m, with a lean-to roof.

History of negotiations/amendments received

None.

Relevant Planning History

90/05243 – Erection of detached double garage with laundry and WC. Approved and implemented.

2021/93207 – Erection of two-storey side extension and porch (this would also have extended 3.0m to the rear)

Representations

Final publicity date Expires: 05-Jan-2022 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order)

No representations received.

Consultation Responses

None were deemed necessary in this instance.

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 designation on the Local Plan.

Local Plan:

LP 21: Highways and access
LP 22: Parking
LP 24: Design

Supplementary Planning Documents:

- KC Highways Design Guide 2019

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.

The following two documents have also recently been approved by Cabinet and these can be viewed at: https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx

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 – Requiring good design

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22. The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

The site has an extant permission for a two-storey extension and porch. The individual and cumulative impact of the proposed rear single-storey extension and side extension will be assessed in this report.

2 –Impact on visual amenity: The two-storey side extension was judged acceptable at the time of the previous application owing to the specific circumstances of the site including a very recent example of a similar extension on a plot adjacent to the site. The rear extension now proposed must be assessed under paragraphs 5.5-5.6 of the SPD which recommend a projection of no more than 3m for a semi-detached house, or if an extension in excess of 3m is deemed acceptable, eaves should not exceed 2.5m.

A scheme of extensions “wrapped around” the rear-side corner of the dwelling could not be built under permitted development rights in its entirety because it would extend beyond a side wall and exceed half the original width. A single-storey extension of up to 3m would potentially qualify as permitted development if built independently (or beyond 3m subject to prior notification), although as it forms part of a larger scheme, only limited weight shall be placed on this factor in assessing visual amenity.

It is considered that the cumulative impact of the extensions proposed would be subservient to the original building. The combined footprint of the extensions and existing detached garage would still be under 50% of the total area of the original back garden. Whilst the 4m rear extension seen in conjunction with the 3m two-storey one would give the completed property a more complicated appearance which would be moving further away from the simple built form, it is considered that the overall impact would not detract

from the appearance of the property or its surroundings, and would not amount to overdevelopment of the site. Roof style and other design details are considered appropriate for the site.

In conclusion it is considered that subject to the materials being conditioned as before (brick matching, rendered areas to be off-white), the development would conserve the appearance of the townscape and visual amenity and would accord with the aims of LP24(a&c).

3 – Impact on residential amenity: The following paragraphs from the SPD are especially important:

> 4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.
>
> 4.17 When assessing the impact of overshadowing on neighbouring properties, 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.

It was established in the assessment of last application that, on the balance of probabilities, the side extension would comply with the 45-degree rule with respect to no. 16. This proposal would have had no significant impact on the amenities of no. 20 because the rear projection would have been set a considerable distance from the common boundary.

The new proposal involves a single-storey extension projecting 4m and built 1m away from the common boundary. The proposed development would clearly not comply with the 45-degree rule since no. 20, which mirrors the pattern of window openings in no. 18, has a large habitable room window at ground floor close to the boundary. It would be 1.9m from the mid-point of this window to the common boundary, and the extension is offset by only 1m. As previously stated, a single-storey extension projecting 3m could be built under permitted development rights without any offset from the boundary, and in terms of overall visual impact and possible obstruction to light, it would probably not be substantially different. It would be equally non-compliant with the 45-degree rule. Light and outlook are in any case partially obstructed by the high border fence and having a lean-to roof also helps to limit its visual impact. It is considered therefore that it would be difficult to demonstrate that it would have a significantly negative impact upon no. 20.

The side extension is, in terms of position, mass and other details, the same as previously approved and it is considered it would have no adverse impact subject to the side-facing windows are obscurely glazed, and that no side-

facing ground floor windows are formed in the future, so as to avoid the possibility of intrusive overlooking.

In summary it is considered it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b).

4 – Impact on highway safety: It is generally recommended that a house with four or more bedrooms should have three parking spaces. The parking forecourt at the front of the house is big enough to accommodate three cars. It is considered unlikely that it would lead to a significant increase in on-street parking and is therefore judged compliant with policies LP21-22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

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 this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: No representations were made.

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: **2021/94392**

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 Policy LP24 of the Kirklees Local Plan.

3. The roofing materials and the bricks used in any exterior work on the extension hereby approved shall in all respects match those used in the construction of the existing building. Any externally rendered areas shall be through-coloured off-white before the extension is first occupied.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. All side-facing windows in the proposed extensions shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side elevations of the extensions at ground floor at any time.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

NOTE: There is the potential for a bat roost to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			30-Nov-2021
Location Plan			30-Nov-2021
Grouped plans and elevations	1429-01	05	25-Nov-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. The case officer did not undertake negotiations with the applicant as no amended plans or additional information were considered necessary.

Report Dated: 28-Jan-2022