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:	**2021/62/94577/W**
Site Address:	1, Central Close, Fartown, Huddersfield, HD2 1DB
Description:	Demolition of single storey rear extension and erection of front porch, two storey side and single storey rear extensions, new tarmaced driveway, dropped kerb and exterior alterations
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: 11th August 2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94577

Site Description

1 Central Close is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from render set above brick coursework and has a tiled roof. There is a driveway to the front and a garden area to the side and rear which slopes downwards towards the rear boundary. Along the rear elevation boundary is a Public Right of Way (PROW) which links Central Avenue to Ashbrow Road. Boundary treatment consists of hedging. To the rear of the property is a single storey kitchen extension which projects 1.2 metres off the rear elevation of the property. Two storey bay window features are incorporated into both the front and rear elevations of the property. Surrounding properties are predominantly semi-detached and are of a varying designs.

Description of Proposal

Permission is sought for the demolition of a single storey rear extension and erection of front porch and two storey side & single storey rear extension new tarmacked driveway, dropped kerb and exterior alterations.

Demolition of single storey rear extension

It is proposed that the existing single storey lean-to extension would be demolished to facilitate the development of the property.

Porch

The proposed porch extension would be located on the front elevation of the property and would project forward of the front elevation by 1.2 metres lying flush with the existing side elevation of the property. The width of the porch would be 2.5 metres with an eaves height of 2.4 metres and overall height of 3.4 metres. It is proposed that the extension would be red brick and ‘K’ rendered with a tiled roof.

Two storey side extension

The proposed two storey side extension would be set back from the front elevation of the property by 0.5 metres and would project to the side by 3.5 metres. The extension would span the full depth of the property lying flush with the existing rear elevation of the property. The eaves height would match the existing with the roof line being set down from the existing by 0.3 metres and the hipped roof replicated within the design. It is proposed that the extension would be constructed from red brick and ‘K rendered with a tiled roof.

Single storey rear extension

The proposed single storey rear extension would span the full width of the dwelling and proposed side extension and would project 3.3 metres from the rear elevation of the property. The eaves height would be 3.3 metres and the overall height would be 4 metres. The proposed rear extension would be constructed from red brick and 'K' render with a concrete tiled roof.

Tarmac area and dropped kerb

Within the rear garden area it is proposed that a hard standing would be laid to accommodate 4 no. cars. It is proposed that the area would be tarmacked and would be a width of 5 metres and depth of 9.6 metres. A dropped crossing onto Central Avenue is also proposed however this will require separate consent as it is governed by the New Roads and Street Works Act 1991 and the works are outside of the red line boundary of the site. Notwithstanding this, Certificate B has been signed with regards to ownership.

Exterior alterations

It is proposed that the existing pebble dash render would be replaced with new 'K' render to both the existing house and extensions.

History of negotiations/amendments received

Concerns were raised to the Agent with regard to the overall impact of the scheme both in terms of residential and visual amenity. it was requested that the side extension be set back in line with the existing front elevation of the property and the rear extension should not project more than 3 metres. Amended plans have been received with the front elevation set back and the rear extension reduced in projection from 4.5 metres to 3.3 metres. The front extension has also been reduced to be porch rather than a single storey extension. The amended plans were not re-advertised as the amendments resulted in a significant reduction to the scheme.

Following further discussions the plans have been amended further to reduce the projection of the extension to the side to 3.5 metres and to remove the first floor projecting rear element of the proposal.

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, site notice and newspaper advertisement.

Final publicity date expired 8th February 2022 – 2 letters of representation received with the following being a summary of comments:

- A number of houses have lost their front gardens to parking
- Council gives no consideration to 1) environmental impact of hard ground cover for car parking and 2) where the displaced rain water goes
- Application makes no mention of how much hard ground cover is to installed or where the displaced water would go
- The snicket from Ashbrow Road to Central Avenue next to the new driveway meaning which ever way pedestrians turn, thee need to immediately negotiate driveways and vehicular movements
- Extension would project outwards beyond the existing building lines along Central Avenue thereby jarring with neighbouring properties spoiling the view along the street
- Concerned about the look and feel of the development and how it sits with neighbouring properties
- Overshadowing neighbouring property
- Soft landscaping lost for driveway and how will the water be retained?
- Property sits lower than neighbour and concerns regarding impact on foundations
- What is the proposed finish for the roof of the single storey rear extension?

Parish Council – not applicable

Consultation Responses

None 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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage

- **LP 33** – Trees

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

Supplementary Planning Documents (SPD's)

- House Extensions and Alterations Supplementary Planning Document

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

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.

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 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed front extension, the SPD states that these would not normally be permitted unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

In terms of two storey side extensions, these should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house

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; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The property is also considered to be a corner plot and therefore the SPD advises that these should contribute to the character of the area by:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets; and
- Following the boundary treatment along both streets, in relation to its position, height and materials.

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.

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.

The property benefits from 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.

The design of the proposal is such that the two storey side extension would have an eaves height to match the existing eaves and a roof line which is set down from the existing. The hipped roof design would be retained within the design of the side extension. This element of the proposal would broadly comply with the House Extensions and Alterations SPD with the plans indicating that the extension would be set in from the boundary with Central Avenue by 3 metres. This ensures a level of separation between the site and the roadside. Amended plans were sought to set the front elevation back from the front of the property which has now been achieved and complies with the requirement of the SPD under subparagraph 5.20.

Whilst there are few openings in the side elevation of the two storey side extension, this elevation is opposite street trees and it is considered that there is potential for conflict were openings to be sited to the side elevation in terms of shadowing caused by the street trees. As such, in this case, it is considered

that whilst the side elevation does not directly address the street there are other factors which are such that amendment of the scheme to introduce more side openings could not be reasonably substantiated by the LPA.

In terms of the proposed porch extension, this would be a small addition to the property and would be set well back from the pavement. Due to its size and scale, it is considered to be a small and subservient addition to the property and would be constructed from matching materials and therefore comply with the section of the SPD which relates to front extensions.

With regard to the proposed rear extension, this would be single storey and therefore subservient to the host property. The projecting first floor element has been removed from the proposal.

The single storey extension would project 3.3 metres from the rear elevation of the property which is slightly more than the 3 metres advised within the SPD and the extension is not set in from the shared boundary with the attached neighbouring property. Whilst this would not comply with the SPD, the property hosts full permitted development rights and therefore some form of extension could be located in the same position without the requirement of planning permission and therefore, from a visual perspective, the additional 0.3 metre projection is not considered to be visually intrusive.

The openings within the front, side and rear elevations contribute to the street scene in terms of being a corner plot and the proposed materials of the extension would match the replacement render from pebble dash render to 'K' render and therefore would be in keeping. Whilst the established building line would be interrupted when viewed along Central Avenue, this has already been interrupted by a single storey wrap around extension (albeit single storey in height) on the facing property. Furthermore the proposal would maintain a 3m gap between the road and the side elevation.

With regard to the parking area, hard standing can be created within a residential property boundary without the requirement of Planning Permission (subject to conditions) and therefore the creation of a hardstanding area does not necessarily need permission. As such, taking account of the fact such works could be undertaken in any event and the extent of the works proposed to create the parking area, it is considered this element of the proposal would not have a significant visual impact.

It is therefore considered that in terms of visual amenity, the proposal would broadly comply with the House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Concerns were raised to the Agent following a site visit to the property in terms of the impact that the proposal would have on the attached neighbouring property as the rear extension in particular would be located due south of the neighbour. The plans have been amended which significantly reduces the overall bulk of the extension which would, in turn reduce the impact on the neighbouring property. The single storey element has resulted in a reduction in projection from 4.5 metres to 3.3 metres and the two storey rear element has been reduced from 4.5 metres as initially proposed to now being excluded from the proposal. As such, this is considered to have overcome previous concerns.

Whilst the single storey rear extension would project 3.3 metres which is slightly over what the SPD advises, the property hosts full permitted development rights and therefore could potentially build a similar sized extension with a 3 metre projection and 4 metres height right up to the boundary without the requirement of planning permission (under pd rights). It is not considered that the additional 30cm would cause significant additional harm from overshadowing such that there would be sufficient grounds to refuse the application on this basis.

As the two storey rear element of the scheme has been omitted from the scheme and the projection to the side and rear has been reduced, it is considered that the size, scale and massing has been reduced and would be acceptable in terms of its impact on neighbouring properties in relation to overshadowing and/or being overbearing.

In terms of overlooking, openings are proposed within the front, side and rear elevations of the extensions. With regard to the front elevation openings, the porch would reduce the separation distance to the facing property by 1.2 metres however the porch would be non-habitable space and therefore there are minimal concerns.

To the side, properties opposite are set at a distance of 21 metres which is considered to be acceptable in terms of sub-paragraph 4.10 of the SPD. To the rear of the property, openings area proposed within the single storey and which would face the side elevation of No. 36 which appears to host non-habitable openings and therefore considered to be acceptable.

It is not considered that there would be significant harm to residential amenity as a result of the proposed parking area. The proposal would also ensure a functional amenity space would be retained for the occupiers of the host property.

It is therefore considered that in terms of residential amenity the proposal is acceptable and would broadly comply within the House Extensions and Alterations SPD, Policy LP24 and advice within the NPPF.

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.

There is existing provision for parking to the front of the property however the works would result in a 4 bedroom property and therefore to comply with the SPD, 3 no. off-street parking spaces would need to be provided. It is therefore proposed that a new driveway would be created in the rear garden that would accommodate 4 no. vehicles which would meet the requirements of the SPD. It is noted that a dropped kerb would be required however this would require consent from the Highways section.

The proposed construction materials for the driveway would be tarmac however, due to the sloping nature of the site and local topography, it is considered that a permeable surface would be a more suitable material to allow for surface water run off. Therefore, it is considered reasonable and necessary to add a condition relating to this to the decision notice.

In terms of bin storage, there would be adequate space within the curtilage to occupy the bins and therefore this would comply with Key Design Principle 16 of the 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. As the extension would encompass the side and rear elevations of the property, this would provide further insulation to the property.

Surface water run off –

Concerns have been raised with regard to this from the public consultation period for the application. As addressed above, a suitable condition shall be added to the decision notice in relation to the parking area being a permeable surface which was assist with surface water run off. This would also comply with sub-paragraph 4.37 of the SPD.

Trees –

LP33 of the Kirklees Local Plan seeks to ensure the protection / retention of trees and woodland. It is noted that there is a large tree within the garden area of the property which would need to be removed to facilitate the parking area of the property. Whilst the loss of the tree is not ideal as it contributes to the street neither the tree within the site or the trees adjacent to the site are protected and therefore can be removed without consent.

The scheme has been amended such that the side elevation of the two storey side extension has been pulled further from the street trees. It is considered this would have a beneficial impact in terms of the roots for those trees and the proposal is sufficient distance to ensure no significant impact would arise in this regard.

6 – Representations:

2 letters of representation received with the following being a summary of comments and LPA response:

- A number of houses have lost their front gardens to parking

Response: Noted

- Council gives no consideration to 1) environmental impact of hard ground cover for car parking and 2) where the displaced rain water goes

Response: Permitted development allow for hardstanding to be created without the requirement therefore the LPA has little control in some instances. In terms of this application, a conditional shall be attached to address this issue by ensuring permeable surfacing of the parking area is undertaken.

- Application makes no mention of how much hard ground cover is to installed or where the displaced water would go

Response: As above, a condition shall be attached to the decision notice to address this issue

- The snicket from Ashbrow Road to Central Avenue next to the new driveway meaning which ever way pedestrians turn, they need to immediately negotiate driveways and vehicular movements

Response: It is considered the impact upon pedestrian safety from the creation of an additional driveway would not be of such significance as to warrant refusal of the proposal.

- Extension would project outwards beyond the existing building lines along Central Avenue thereby jarring with neighbouring properties spoiling the view along the street

Response: This has been addressed in the visual amenity section of this report

- Concerned about the look and feel of the development and how it sits with neighbouring properties

Response: The plans have been amended to reduce the impact of the scheme on both visual and residential amenity

- Overshadowing neighbouring property

Response: Amended plans were sought and submitted to address this matter

- Soft landscaping lost for driveway and how will the water be retained?

Response: This has been addressed above

- Property sits lower than neighbour and concerns regarding impact on foundations

Response: This is a matter which would be addressed under separate legislation at the building regulations application stage.

- What is the proposed finish for the roof of the single storey rear extension?

Response: The finish of the rear extension would be concrete tiles to match the existing

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: 2021/94577

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, LP21, LP22, LP24, LP28 and LP33 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the House Extensions and Alterations SPD and advice within Chapters 12 and 15 of the National Planning Policy Framework.

3. The external roofing materials of the extensions 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 LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within Chapters 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking and turning on the submitted/listed plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for the uses specified on the submitted plans for the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of flood risk and in accordance with Kirklees Local Plan Policies LP21, LP22 and LP28, Key Design Principle 14 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484

221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			9th December 2021
Proposed roof and site plan	HD21DB1-v5		27th July 2022
Existing and proposed ground floor plans	HD21DB1-v5		27th July 2022
Existing and proposed first floor plans	HD21DB1-v5		27th July 2022
Existing and proposed front and rear elevations	HD21DB1-v5		27th July 2022
Existing and proposed side elevations	HD21DB1-v5		27th July 2022
Design and Access Statement			9th December 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.

Concerns were raised to the Agent with regard to the overall impact of the scheme both in terms of residential and visual amenity. It was requested that the side extension be set back in line with the existing front elevation of the property and the rear extension should not project more than 3 metres. Amended plans have been received with the front elevation set back and the rear extension reduced in projection from 4.5 metres to 3.3 metres. The front extension has also been reduced to be porch rather than a single storey extension and the side extension has been reduced in width by 0.5 metres with the first floor rear extension removed from the scheme entirely.

Report Dated:

9th August 2022

Coal – low