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:	**2021/62/94629/W**
Site Address:	126, Goldington Avenue, Oakes, Huddersfield, HD3 3QD
Description:	Erection of single storey rear/side wrap-around extension and new pitched roof to front
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: 28-Feb-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94629

Site Description

126 Goldington Avenue is a semi-detached property which is constructed from stone and render with a concrete tiled roof. To the front of the property is a small garden area and larger hardstanding area and to the side is a pre-fab detached garage. To the rear of the property is a patio area and lawned garden. The surrounding area is comprised of predominantly residential properties.

Description of Proposal

Permission is sought for the erection of a single storey rear/side wrap-around extension and new pitched roof to front / part of the side. The application has been submitted following approval of a two storey side extension and single storey rear extension which was approved under application number 2019/90417 which is an extant permission and could still be implemented.

The proposed extension would project forward of the front elevation of the property by 0.7 and would project to the side by 2.9 metres. The extension would span the full length of the dwelling and would project off the rear elevation of the property by 4.5 metres. The extension would then span the full width of the rear elevation of the property being set in from the shared boundary with No. 128 by 0.3 metres. To the front of the property spanning across the existing dwelling and extension is a mono-pitched tiled roof. The extension would have a lean-to roof to the side and the rear part of the extension would be flat roofed to a height of 3.2 metres.

It is proposed that the front elevation of the extension would be constructed from facing stone with the side and rear elevations rendered. It is also proposed that the existing pebble dash render on the existing property would be removed and re-rendered to match the extension. The roof would be constructed from tiles to the front and side elevation with the flat roof elements being GRP.

History of negotiations/amendments received

Concerns were raised regarding the visual impact of originally submitted scheme which proposed to have a flat roof to both the side and rear elevations and how this would be viewed from the street scene. It was requested that amended plans which would incorporate a lean- to roof on the side elevation be submitted, these were received on 18th February 2022. The amended plans were not re-advertised as it was not considered that the

amendments would be detrimental to the amenity of neighbouring properties / significantly altered the scheme as initially advertised.

Relevant Planning History

2001/93602 Erection of conservatory
Conditional Full Permission

2019/90417 Erection of two storey side and single storey rear extension
Conditional Full Permission

2021/93041 Non material amendment to previous permission 2019/90417 for erection of two storey side and single storey rear extension
Refused

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 24th January 2022 – no representations received

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 24 – Design

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 Guidance
- Highways Design Guide Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

<u>1 – Principle of development:</u>

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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 15: Provision for parking

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

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

In terms of single storey side extensions, these should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

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

On the basis the proposal is considered acceptable in terms of all relevant considerations (addressed in sections 2 – 5 of this report) it is considered the principle of the development is acceptable.

The property hosts full permitted development rights.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

An application has previously been submitted and approved for a development with the same projection to the side and rear however the side extension was two storeys in height. As the side and rear extension are single storey in height they are clearly subservient when viewed against the host property. Whilst the side element of the extension would be set in from the shared boundary with No. 124 which falls short of that advised within the SPD which recommends a 1 metre separation as the extension is single storey, no terracing effect would be created should this neighbouring property also wish to extend. Space is still retained to provide external access to the external amenity areas.

Given the extant permission in place which the applicant could commence (until 16th April 2022) which does not achieve a 1m distance to the boundary, it is considered that this constitutes a realistic fall back which the applicant could implement and it would be unreasonable of the LPA to refuse consent on the basis there is not a 1 metre separation to either side boundary in this case.

The proposed construction materials would be stone to the front elevation and render to the side and rear elevations. It is also proposed that the existing pebble dash render would be removed from the front, side and rear elevation and finished on the same render as the proposed extension. Given the use of smooth render within the street scene, it is considered that to alter the finish of the property would be acceptable. The canopy to the front would be tiled to match the existing as would the lean-to roof to the side with the flat roof being GRP.

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

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

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3,

4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

To the front of the property, a garage door is proposed. As this would provide non-habitable accommodation there are minimal concerns regarding the reduction of the separation distance with the properties opposite. In terms of the side elevation openings a door and window is proposed. As the window is annotated on plan as being obscurely glazed, there would be minimal harm to the neighbouring property in terms of overlooking. To the rear elevation, openings are proposed within the rear elevation facing the garden area of the property which is also considered acceptable. There are no proposed openings within the side elevation of the rear extension which would face the attached neighbouring property.

In terms of overshadowing and/or being overbearing, the proposed side extension would project towards the side elevation of 124 Goldington Avenue which hosts a ground floor window and door and a first floor window within the side elevation. This neighbour is set on a lower ground level than the application site. The previous scheme considered that due to the orientation of this dwelling, there would not be significant harm to these openings. As the proposal now seeks permission for a single storey side extension rather than a two storey side extension, it is considered that the impact on this property is acceptable.

With regards to the impact of the rear extension on the attached neighbour, No. 128, this would result in a 3.2 metre high blank wall projecting 4.5 metres from the shared boundary. The height is marginally higher than that previously approved.

The previous application also sought permission for a 4.5 metre projection and it was considered that as the extension would be to the south-east of the neighbouring property this would result in some loss of amenity due to a loss of sunlight for a period of time in the morning and outlook. The report goes on to cite that the assessment was considered against what could be erected on the boundary by exercising permitted development rights and taking account of that and the fact that the flat roof design minimises the height of the extension. It would appear that there have been no material changes in circumstances within the site since the previous application was approved however, there has been the adoption of the House Extensions and Alterations SPD in terms of planning policy. Whilst the proposal would not comply with this document, significant weight is afforded the extant permission in this case which allows for a similar development to be undertaken in any case.

It is therefore considered that the proposal is acceptable from a residential amenity perspective.

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.

The existing detached pre-fab garage would be removed to facilitate the construction of the proposed side extension. The existing garage has a width which falls short of the current standards. The Kirklees Highways Design Guide SPD advises that under Section 5.15 advises that the minimum internal dimensions should be 6m long and 3m wide to be of a sufficient size to accommodate a vehicle. The proposed garage provision would result in a garage with a width of 2.6 metres and depth of 4.4 metre which also falls short in terms of width and depth. However, give neither the existing or proposed garages are of sufficient size to accommodate a standard sized vehicle, there would be no loss of parking as part of the proposal. No additional bedroom accommodation is proposed and therefore there is no requirement to provide additional parking provision. There is adequate space to the front of the property to accommodate 2 no. vehicles which is considered to be acceptable.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. No specific mitigation measures are required in this instance.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2021/94629

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

3. The external walls and roofing materials of the development hereby approved shall be in accordance with those detailed upon submitted drawing 21-0373 D04 Rev 0. The development shall not be brought into use the development has been completed with the materials of construction detailed upon submitted drawing 21-0373 D04 Rev 0 which shall be retained thereafter.
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 the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and proposed block plan	21-0373 D01 – Rev: 0		18th February 2022
Existing elevations and floor plans	21-0373 D02 – Rev: 0		18th February 2022
Proposed floor plans	21-0373 D03 – Rev: 0		18th February 2022
Proposed elevations	21-0373 D04 – Rev: 0		18th February 2022
Section detail drawings	21-0373 D05 – Rev: 0		18th February 2022
Section detail drawings	21-0373 D06 – Rev: 0		18th February 2022
Section detail drawings	21-0373 D07 – Rev: 0		18th 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 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 regarding the visual impact of originally submitted scheme which proposed to have a flat roof to both the side and rear elevations and how this would be viewed from the street scene. It was requested that amended plans were submitted which would incorporate a lean- to roof on the side elevation and amended plans were received.

Report Dated: 25th February 2022

Coal – low