

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:	2021/62/94744/W
Site Address:	23, New Hey Road, Marsh, Huddersfield, HD3 4AL
Description:	Demolition of detached garage and erection of front porch, two storey side, and single and two storey rear extensions
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: 11-Mar-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94744>

Site Description

23 New Hey Road is a semi-detached, two storey property which is constructed from stone at ground floor with pebble dash render above and hosts a blue slate roof. To the front of the dwelling is a bay window with canopy above and to the rear is a single storey outrigger. The property is separated from the roadside by a front garden which is covered with hardstanding and there is a larger garden to the rear. There is also a driveway to the side which leads to a pre-fab garage which is sited within the rear garden. The surrounding area is predominantly residential.

Description of Proposal

Permission is sought for the demolition of the existing garage, the erection of a front porch, two storey side extension and single and two storey rear extensions.

Demolition of garage

It is proposed that the detached prefabricated garage would be demolished to facilitate the construction of the extension. The garage has a footprint of 8 metres x 3.8 metres with an eaves height of 1.8 metres and overall height of 2.8 metres to the ridge of the pitched roof.

Front porch

It is proposed that a porch extension would be located on the front elevation of the property, adjacent to the bay window. The porch would lie flush with the existing side elevation of the property and would project forward of the front elevation of the property by 1.6 metres being a width of 2.6 metres. The eaves height would be 2.1 metres with the overall height matching the existing canopy height of 3 metres. The proposed construction material would be stone to match the existing with the roof material also matching the existing.

Two storey side extension and rear extension

The proposed two storey side and rear extension would lie flush with the existing building line with the ground floor of the front elevation lying approximately 0.4m forward of the front of the host property. The extension would project to the side by 3.2 metres and would span the full depth of the property projecting off the rear elevation of the property by 1.6 metres. The

two storey rear element would be part-width being set above the existing outrigger. The extension would be set back from the front elevation by 0.5 metres at first floor level with the roof form being hipped with a ridge set down slightly from the existing. It is proposed that the extension would be constructed from stone at ground floor with render at first floor and a roof material to match the existing.

Single storey rear extension

The proposed single storey extension would be located on the rear elevation of the property and would lie flush with the proposed two storey extension. The extension would span the remaining width of the property with a flat roof to a height of 2.7 metres. The extension would be constructed from stone.

History of negotiations/amendments received

Following a site visit to the property, the Agent was contacted and it was requested that the roof line to be set down from the existing and the first floor section of the two storey extension to be set back from the front elevation of the property. Amended plans were submitted on 16th February 2022. Further amendments were sought to set the ground floor side extension back to enable sufficient space for parking and bin storage. Amendments were received on 10th March 2022. The amended plans were not re-advertised as the amendments reduced a reduction to the scale of development.

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.

Final publicity date expired 16th February 2022 – one letter of representation with the following being a summary of comments:

- The plans make it clear that the side extension wall of the extension comes to the border with the neighbouring property which means the eaves and guttering with overhang the shared boundary

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
- **LP 53** – Contaminated and unstable land

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

Supplementary Planning Documents (SPD's)

- Highways Design Guide SPD
- House Extensions and Alterations SPD

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 12: Natural environment
- Key design principle 15: Provision for parking

With specific regard to the proposed development the SPD states that in terms of two storey side and first floor side extensions should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

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.

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

On the basis the proposal is 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.

The design of the proposed is such that the two storey side extension would have an eaves height to match the existing with a roof ridge that would be set down slightly from the existing ridge, the design of this element of the proposal would broadly comply with the House Extensions and Alterations SPD with the plans (as amended) demonstrating that the first floor of the extension would be set back from the front elevation of the property and the extension would be visually smaller than the original house and therefore considered to be subservient. It is noted that there would be no 1 metre separation distance between the side elevation of the extension and the shared boundary with the neighbour, should the neighbouring property also extend to the side, as the proposed roof form would be hipped, this would ensure that a visual separation exists.

In terms of the rear of the property, it is proposed that the side element of the extension and also the single storey extension would project 1.6 metres from the rear elevation of the property which would accord with the SPD in terms of projection. The single storey element, again, would not be set in from the boundary with the attached neighbouring property however as the extension

would have a limited projection of 1.6 metres and a limited height of 2.7 metres this element of the scheme would be clearly subservient and could be constructed without the requirement of planning permission.

It is therefore considered that the proposal would have an acceptable impact in terms of size and scale with the extensions read as such. The demolition of the garage and the retention of the hardstanding area to the front and garden area to the rear would ensure that the works do not result in an overdevelopment of the plot.

The proposed construction materials would be stone to the ground floor elevations with render to the first floor and roof material all to match the host property. the proposed fenestration details would be in keeping with the existing. It is recommended that any grant of consent is subject to a condition requiring the construction materials to match those in the existing dwelling.

It is therefore considered that in terms of visual amenity, the proposal takes note of the guidance within the SPD, accord with 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.

In terms of the impact of the scheme on neighbouring property, the attached neighbouring property is No. 21 New Hey Road and the adjacent property is No. 25 New Hey Road with 11 Lockwood Close beyond the rear boundary.

In terms of the impact on the attached neighbouring property, given the distance the two storey extension is set in from this property in addition to the single storey being limited to 2.7 metres in height and 1.6 metres in projection, it is not considered that there would be significant harm to this dwelling in terms of overshadowing or by being overbearing. There are no proposed openings within the side elevation of the extension facing this property and therefore minimal concerns regarding overlooking.

The side extension would span to the boundary with the adjacent property No. 25. The side elevation of the extension would be separated from the side elevation with then neighbour by the driveway to the adjacent property. It is noted that there are side elevation openings within this property however it appears that these are to non-habitable accommodation. Whilst the side elevation would be closer to the adjacent property than the existing, due to the orientation of the buildings and with the windows within the side elevation being towards the rear of the property, any loss of direct sunlight would be in

the morning hours. Due to the separation and also the projection of the two storey element to the rear of the property being limited to 1.6 metres with the garage to the neighbouring remaining in situ, it is considered that the impact on this property is considered to be on balance, acceptable. There are no proposed openings within the side elevation that would face this neighbouring property.

With regards to the impact on No. 11 to the rear of the application site, as the large garage within the application site would be demolished, this would improve the impact on this property and the garage sits close to the rear boundary of the site. Given the separation distance between the rear elevation openings and this property, the impact is considered to be acceptable.

Concerns have been raised with regard to overhanging eaves and guttering. A note can be attached to the decision notice stating that planning permission does not override any ownership rights to any land outside the ownership boundary of the site nor does it convey any authority to enter onto such land or into any building upon it or over it.

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 garage would be removed to facilitate the construction of the extensions. The garage is of sufficient size to accommodate a vehicle and this space would be lost as part of the works. Amended plans were sought to set the side extension back from its front projection to allow sufficient space for the parking off 2 no. vehicles within the site and also to demonstrate sufficient space for bin storage. Amended plans were received on 10th March 2022.

Given the amended scheme that has been proposed it is considered adequate parking would be retained to the front and whilst rear access would be removed, there is sufficient space within the front amenity space to ensure bin storage would not be unsightly / upon the highway.

It is therefore considered the proposal would accord with the aforementioned policies in this regard.

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. No specific mitigation measures are required in this instance.

Coal legacy - The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

One letter of representation has been received with the following being a summary of comment and LPA response:

- The plans make it clear that the side extension wall of the extension comes to the border with the neighbouring property which means the eaves and guttering with overhang the shared boundary

Response: This has been addressed above and a note shall be added to the decision notice.

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:** 2021/94744**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 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12 and 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

3. The external walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and 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.

NOTE: The guttering and eaves appear to have the potential to overhang the boundary. It should be noted that this planning permission does not override any ownership rights to any land outside the ownership boundary of the site nor does it convey any authority to enter onto such land or into any building upon it or over it.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, site plan, existing floor plans	TR-A21-1201-001		10 th January 2022
Existing elevations	TR-A21-1201-002		10 th January 2022
Proposed site plan and floor plans	TR-A21-1201-010 – Rev: B		10 th March 2022
Proposed elevations	TR-A21-1201-011		10 th March 2022

Plan Type	Reference	Version	Date Received
	– Rev: B		

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. Following a site visit to the property, the Agent was contacted and it was requested that the roof line to be set down from the existing and the first floor section of the two storey extension to be set back from the front elevation of the property. Further amendments were sought to set the ground floor side extension back to enable sufficient space for parking and bin storage.

Report Dated:

11th March 2022

Coal – low