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:	**2021/62/94758/W**
Site Address:	21, Southlands Drive, Fixby, Huddersfield, HD2 2LT
Description:	Demolition of existing garage and erection of lower ground floor and two storey side extension with external 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: 10-Mar-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94758

Site Description

21 Southlands Drive is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is set back from the roadside, separated by a front garden and driveway and is a split level property due to topography. The property is constructed from red brick with an interlocking tiled roof.

Elongated uPVC clad dormer features are located within both the front and rear elevations of the property. There is an existing single storey flat roof garage attached to the side of the property and to the rear is an garden area. To the north, east and west of the site are properties of a similar design, age and construction materials. To the south of the site is a large expanse of Urban Greenspace known as Cowcliffe Hill Recreation Ground.

Description of Proposal

Permission is sought for the demolition of the existing garage and the erection of a lower ground floor and two storey side extension with external alterations.

It is proposed that the existing garage would be removed to facilitate the extension. The proposed extension would be set back from the existing front elevation of the property by 0.1 metre and would project to the side by 2.9 metres spanning the full depth of the property lying flush with existing rear elevation of the property.

To the front elevation the design of the extension would replicate the existing dwelling in terms of the eaves line being a continuation of the existing along with the ridge height matching and also the existing dormer extending across the extension. To the rear elevation, the existing eaves and roof ridge height would match the existing with a small pitched roof dormer being located within the roof form. The dormer would be set up from the eaves line by 1.4 metres being a total height of 1.7 metres and width of 1.3 metres.

The proposed construction materials would be brick and uPVC cladding for the walls with interlocking tiles for the pitched section of the roof with the remainder of the roof being of a flat roof design.

History of negotiations/amendments received

No amendments were sought as it was considered that the proposal was acceptable as submitted.

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 – 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 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiveristy

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 9 – Promoting sustainable transport
- 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 (2019)
- House Extensions and Alterations SPD (2021)

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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking

With specific regard to the construction of two storey side extensions, the SPD states that these 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 dormer extensions, these should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

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. On the basis the proposal is concluded acceptable in light of all relevant material considerations it is considered the principle of the development is acceptable.

<u>2 – Impact on visual amenity</u>:

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.
In terms of this particular application, the proposal is to demolish the existing flat roofed garage and replace this with a two storey side extension with accommodation proposed at lower ground floor level.

The design of the extension would be in keeping with the existing front elevation of the property with the eaves and roofline being an extension of the existing. It is also proposed to extend the existing dormer across the roof slope of the extension. As this would be designed in a style and in keeping with the existing house and roof, and surrounding properties this would accord with the guidance within the SPD in relation to dormer windows.

In addition, the opening within the dormer extension would be aligned with the proposed openings within the host property and therefore also complying with the SPD. In terms of the extension itself, this would be set back slightly from the front elevation of the property but would not be set down from the existing roof slope. The SPD is clear that when a proposal does not comply with the requirements of the SPD that reasoned justification will need to be demonstrated.

In this instance, a Design and Access Statement has been submitted which states that due to the dormer feature existing on the property, it would not be architecturally possible to set the roofline down.

It is noted that there are examples of similar extensions which are not set down from the roof or back from the front elevation more than 0.1m in the street. The dwelling is set well back from the street and at a higher land level than the property to the east. As such it is considered that in this case the extension would not be in character with similar developments of properties to the east and north of the site which are in close proximity and there would be little design benefit in a set down of the roof in this instance.

As such, Officers consider that due to the height of the existing and proposed front dormer, to set the roofline down would not be visually attractive and would result in awkward appearance and would not be functionable and therefore in this instance, is considered to be acceptable. In addition, the extension would be set in from the boundary of the site by over 1m which retains external access to the rear of the property.

In terms of the rear elevation, the scheme proposes that the roof of the extension would replicate the original roof of the building and would be a continuation of the existing eaves and ridge. It is not proposed to extend the existing dormer and it is proposed that a new smaller dormer would be created which is small in scale, set up from the gutter line and down from the ridge, set in from the side elevation of the property. The opening with the dormer would align with the openings within the rear elevation of the extension and therefore, would accord with the requirements of the SPD.

The proposed construction materials would match the host property and therefore are considered to be acceptable.

It is therefore considered that the size and scale of the extension would result in a subservient addition and is acceptable in terms of visual amenity and would therefore comply with both local and national policy.

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.

The proposal would not significantly reduce the amenity space available for the occupiers of the host property and is not considered to be overdevelopment in this regard.

Habitable room openings are proposed within the front and rear elevations of the extension. As the separation distances between the properties to the front would not be reduced and with their being no properties within close proximity of the rear of the site and a non-habitable opening within the side elevation of the property, it is not considered that there would be significant harm from overlooking.

In terms of overshadowing or being overbearing, the closest residential property which would be affected by the proposal is No. 19 which is to the east of the site and due to topography, is set on a lower ground level.

Within the rear elevation roof slope, a small dormer is proposed with the remainder of the roof being as originally constructed. By not extending the existing large dormer, this would assist in the mitigation of being overbearing to this neighbouring property. There would be a separation distance of an approximately 9.5 metres between the side elevation of the extension and the side elevation of No. 19 which is considered to be sufficient to ensure no significant impact to this property as a result of oppressiveness / overbearin.

The openings within the side elevation, due to size and orientation appear to be non-habitable or secondary and therefore, due to the orientation of the properties, size and scale of the extension and the distance from this neighbour it is considered the proposal would be acceptable in this regard.

The proposal is therefore concluded to accord with the aforementioned policies in relation to impact upon residential amenity.

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 SPD 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 resultant property would result in a 4 no. bedroom, there is a requirement within the Highways Design Guide SPD to have the provision for 3 no. off-street parking spaces. A site visit has been undertaken and this confirmed that there is an existing driveway which could accommodate the 3 no. parking spaces as required by the SPD. In addition, within the Design and Access Statement this is confirmed and it is proposed to alter a small grassed area to the front would also be altered to hard standing to match the current driveway surface to provide an additional 2 no. spaces.

It is therefore concluded that in terms of highway safety, access and parking, that the proposal is acceptable and would accord with advice with the SPD's and local plan policy.

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.

Bats –

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 site is located within an identified bat alert area, the proposals are relatively modest, as assessed within an Informal consultation from the Ecology Officer and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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: 2021/94758

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 LP30 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 15 of the House Extensions SPD and policies within chapters 2, 12, 14 and 15 of 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 policies within chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost 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 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
Location plan	TQRQM21361100218714		10th January 2022
Block plan	TQRQM21361100807275		10th January 2022
Existing floor plans			10th January 2022
Existing and proposed elevations			10th January 2022
Proposed lower ground floor plan			10th January 2022
Proposed ground floor plan			10th January 2022
Proposed first floor plan			10th January 2022
Design and Access Statement			10th January 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 10th March 2022

Coal – low