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:	**2022/62/90065/W**
Site Address:	573, New Hey Road, Mount, Huddersfield, HD3 3XN
Description:	Erection of first floor side extension and alterations to convert garage to living accommodation
Recommending Officer:	Laura Yeadon

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 14-Mar-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90065

Site Description

573 New Hey Road is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is a split level property with the front elevation being two storeys in height and the rear elevation being 3 storeys in height. The property is constructed from stone with a blue slate roof. The property hosts a single storey garage extension which projects forward of the front elevation of the property which is accessed via a driveway off New Hey Road.

There is garden area to the front of the property with a larger garden area to the rear which is accessed via steps. To the rear of the garage is a small terraced area. Boundary treatments consist of fencing with the northern boundary facing New Hey Road being a wall with railings above.

The surrounding area is comprised of mainly residential properties of varying styles and designs.

Description of Proposal

Permission is sought for the erection of a first floor side extension and alterations to convert the garage to living accommodation.

The proposed first floor extension would be located above the existing garage lying flush with existing ground floor side elevation with the rear elevation set back further than the existing rear garage wall but set in from the rear elevation.

The extension would be set back from the front elevation of the property by 0.2 metres with the extension spanning a depth of 5.5 metres being set in from the rear elevation of the property by 2 metres. The rear 1.3 metre section would be supported by a pillar to retain external access from the dwellinghouse. The proposed eaves height would match the existing eaves and the roof ridge would be set down from the existing by 0.8 metres with the roof slope hipped.

The proposed construction materials would be natural stone for the walls, blue/black slates for the roof with ashlar stone jambs, mullions, heads and cills.

It is also proposed to convert the garage accommodation to a play room. The existing front elevation would be walled up and a window and roof light inserted.

History of negotiations/amendments received

Concerns were raised following a site visit with regard to visual amenity due to the prominence within the street scene due to the existing garage being set forward of the front of the dwelling. following discussions with the Agent, the first floor extension has been amended to be set back from the front elevation of the property to accord with the requirements of the SPD. The amended plans were received on 21st February 2022. The amended plans were not re-advertised as the amendments sought a reduction in the proposed size and scale of development. In addition, following initial concerns with regards to parking raised by Highways Officers ap parking plan was submitted demonstrating that that 2 no. parking spaces would be retained off-street.

Relevant Planning History

1990/03006 Erection of extension to form kitchen and garage
Conditional Full Permission

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 17th February 2022 – no representations received

Parish Council – not applicable

Consultation Responses

Highways Development Management – initial comments raised concerns with the loss of parking provision and requested a plan demonstrating 2 no. off-street parking spaces. Following the submission of the existing and proposed parking arrangements which was considered to be acceptable.

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.

<u>Kirklees Local Plan:</u>

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **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 (SPDs)

- 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 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 two storey and first floor side extensions subparagraph 5.21 states that:

5.21 Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semidetached or detached houses. This can create a terracing effect in a nonterraced street……

Sub-paragraph 5.22 goes on to state that these 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.

The relevant sections of the House Extensions and Alterations SPD listed above are considered in sections 2 and 3 of this report. On the basis the proposal is considered to have an acceptable visual impact the proposal is considered to be acceptable in principle.

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 extension is such that the eaves height would match the existing with a roof ridge set down from the existing and the front elevation would be set back from both the front elevation of the existing garage and the front elevation at first floor level. Therefore complying with the information contained within the SPD and would be subservient to the existing property. The ground floor footprint would be retained as existing which is set on form the side boundary of the site by approximately 1.5 metres and therefore would retain a space to the side of the property eliminating the potential for harm from a terracing effect. Also, as the adjacent property is detached and is a differently designed property, both properties would be read as being independent from each other.

It is considered that the proposal in its entirety including the alterations to convert the garage would have an acceptable impact in terms of size and scale and due to the first floor extension being located on the exiting side elevation, set back from the front elevation and set in from the rear elevation would not result in an overdevelopment of the plot.

The proposed construction materials would match the existing and would therefore be in keeping with the existing building.

It is therefore considered that in terms of visual amenity, the proposed would comply with the House Extensions and Alterations SPD and accords with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of 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 overlooking, openings are proposed within the front of the ground floor and first floor front elevations and within the first floor rear elevations. It is noted that the conversion of the garage would change from non-habitable accommodation to habitable accommodation. In terms of the separation between front elevation and the facing property, there is a good distance between the opening and the facing property in addition to the separation by the A640 New Hey Road and is therefore considered acceptable. At first floor, the opening would be set back from the existing front elevation and therefore the separation distance would not be reduced. In terms of the rear elevation opening, there are no residential properties within close proximity that would be affected by the opening and the extension would be set in from the rear elevation and therefore there are minimal concerns.

With regards to overshadowing or being overbearing, the extension would face the side elevation of the adjacent property No. 571. The property hosts an upper ground floor opening within the side elevation which appears to be to non-habitable accommodation. The plans for the construction of this dwelling indicate that this opening provides natural light to the staircase. As such there are minimal concerns regarding this opening. The rear elevation of this property is set back from the rear building line of the application site and it is therefore considered that there would not be significant harm from overshadowing or by being overbearing. The existing window in the garage will be utilised for a utility room, which will intensify the use of this part of the property, in order to ensure that there is no undue overlooking of the adjacent property or its garden, it will be conditioned to be obscurely glazed.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would comply with policies 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Local Plan and policies contained within chapter 2 of the National Planning Policy Framework.

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.

As part of the proposal it is proposed that the existing garage would be converted to habitable accommodation. The internal measurements of the existing garage are sufficient to deemed as a parking space within the Highways Design Guide SPD. The conversion would result in the loss of parking provision for 1 vehicle. As a consequence, the Agent has submitted an existing and proposed parking plan demonstrating that 2 no. off-street parking spaces can be provided. Highways Officers have been consulted and following raising the concerns, consider that the provision demonstrated on plan are acceptable. Subject to a condition being attached to the decision

notice in relation to permeable surfacing of parking areas, the application is considered to be acceptable in terms of highway safety and parking.

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 - 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.

Biodiversity - 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 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: 2022/90065

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, LP30 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 15 of the House Extensions and Alterations SPD and advice within Chapters 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.
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 Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
Reason: In the interests of highway safety, surface water run-off and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principles 12 and 15 of the House Extensions and Alterations SPD, Highways Design Guide SPD and advice within the National Planning Policy Framework.

5. The development shall not be occupied until the utility room window in the eastern side elevation of the hereby approved development has been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town the Town and Country Planning (General Permitted Development) Order 2015

(or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.
Reason: In the interests of the protection of residential amenity of adjacent properties and to accord with Policy LP24 of the Kirklees Local Plan.

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
Site location plan, block plan and roof plan	Dwg. No 1		21st February 2022
Existing elevations and floor plans	Dwg. No 2		10th January 2022
Proposed elevations and floor plans	Dwg. N03		21st February 2022
Existing and proposed parking plan			3rd 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 following a site visit with regard to visual amenity due to the prominence within the street scene due to the existing garage being set forward of the front of the dwelling. following discussions with the Agent, the first floor extension has been amended to be set back from the front elevation of the property to accord with the requirements of the SPD. The amended plans were received on 21st February 2022. In addition, following initial concerns with regards to parking raised by Highways Officers a parking plan was submitted demonstrating that that 2 no. parking spaces would be retained off-street.

Report Dated: 11th March 2022

Coal – low