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:	**2022/62/90124/W**
Site Address:	64, Benomley Crescent, Almondbury, Huddersfield, HD5 8LU
Description:	Erection of single storey side and rear extensions
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 31-Mar-2022

Officer Report

Site Description

2022/90124 – 64, Benomley Crescent, Almondbury, Huddersfield, HD5 8LU

The application site relates to a two-storey, semi-detached dwellinghouse, constructed of brick, faced with pebbledash render to the upper half and red tile on its hipped roof.

To the front, it enjoys a hard surfaced front amenity space given over to off street parking sufficient for at least 2 vehicles. To its side, is an attached flat roofed garage (with a marginal set back from the primary elevation) and a rear garden. The rear elevation has a small bay window rear extension. The site's ground level falls from east to west approximately starting from the rear elevation of the dwelling and a timber fence runs along the south boundary and a part brick/timber boundary wall/fence to the north boundary provides screening.

It is within a residential area of mainly two-storey semi-detached properties with varying style single-storey extensions to the rear.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. It borders Urban Green Space designated land entitled "Land rear of Benomley Crescent, Almondbury" to the west. Permitted Development Rights are retained.

Description of Proposal

Erection of single storey side and rear extensions

Single-storey Side Extension

The existing attached garage is to be re-built with a flat roof.

It would have the dimensions of:

> 2.535m projection from the north elevation x 6.25m depth and a roof height of 3m measured from the primary elevation.

At the primary elevation it will have a small parapet detail appearing to have a roof height of 3.25m from the ground finished with a thin stone coping detail.

Due to the sloping ground level, the roof height would be 3.15m measured from the rear elevation.

It would have a slatted garage door to the primary elevation, no openings to its north elevation and one patio door to its rear elevation. Internal garage dimensions would be 2.25m by 3.6m approximately given that there is to be steps and a work surface sited towards the rear of the garage. As such, given the internal dimensions and the guidance supplied by the KC Highways Design Guide, the attached extension would be regarded as not having use for off street parking.

Single-storey Rear Extension
This would be flat roofed with a roof lantern and span almost the width of the host dwelling at the rear.

It would have the dimensions of:

> 3.3m projection from the rear x 5.772m width and a roof height of 3.6m measured from the ground level of the rear elevation.

This would have openings to the rear only consisting of sliding glazed doors and would serve a sunroom. This would demolish a pre-existing bay window.

Materials
Both extensions would be constructed of brick to match the host dwelling at base, have grey uPVC frames to its windows and doors. The side extension would have its parapet roof topped with stone and the use of stone would be used as cill and lintel to the rear extension's doors which would echo the use of stone to the primary elevation.

Other Alterations
New internal bifold doors would be fitted between the sunroom and the host dwelling however no other internal alterations

A new decked area is to be formed from the rear extension to project 3.35m x 7.3m width and be approximately 0.5m from the ground level adjacent. The grounds slope sharply and it appears that the decking maximum height would be 1.9m. It would be bounded by glazed sections to form a barrier and adjoin the existing patio.

There would be a 1.5m high x 1.8m width privacy screen to the shared southern neighbouring boundary as indicated in drawing No. p10, revision 1 of the submitted plans.

A Juliet balcony style glazed section would be inserted to the patio door at first floor to the rear to provide a safety barrier.

Parking and Bins
The site will not intensify use and supplies two off street parking spaces. The bins are to be stored within the outbuilding.

History of negotiations/amendments received

The case officer considered the application on review and the rear extension was reduced to 3.3m projection from the rear with a privacy screen to its south boundary to better meet the adopted 'House Extension and Alterations SPD' and LP policies on visual and residential amenity.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking 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 which expired on: 01/03/2022

No representations have been received.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan. It is within a Bat Alert layer and a Low Coal Risk Area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**

Kirklees Council has adopted its 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.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) 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."

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.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.
In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 7 – Outdoor space, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' is relevant.
The design guidance from the adopted 'House Extension and Alterations SPD' sets out that single-storey side extensions should not extend more than 2/3rds the width of the host building, not exceed 4m in height and be set back 0.5m from the primary elevation.
The proposed would replace an existing side extension which is flush with the primary elevation, otherwise it would comfortably comply with height and width guidelines and on balance the side extension would be acceptable. The materials would be to match the host with a slight update in the primary elevation matching the brick coursing height of its host and would remain to be clearly subordinate to the two-storey dwelling.
The same relevant guidance set out for the single-storey rear extension provides that it is acceptable if it does not exceed 4 metres in height, does not project more than 3m for semi-detached properties, should have eaves not exceeding 2.5m and to retain a gap of at least 1 metre from a property boundary.
The single-storey rear extension would not exceed 4m in height however its flat roof eaves height would exceed the guidance by 1.1m and it would not have a gap of 1m to the south property boundary. It would however have a minimum gap of approximately 3m to the north boundary which partially meets guidelines. The setting of the rear garden has a very steep slope so the adjacent ground to the kitchen drops considerably and therefore it is necessary to have the extension’s height at a level that provides occupants with easy stepped access from the kitchen to the proposed sunroom to be usable. In this instance following guidelines, 2.5m height from this ground level would produce a rear extension that would be unusable and therefore on balance this would be accepted as justification for the submitted development given site constraints. The rear extension would project 0.3m more than advised in the adopted 'House Extension and Alterations SPD' recommend however in this instance, this would be considered a minor increase aided by the rear extension’s position to the northwest of its neighbour rendering this to be of low impact with regards to overshadowing or visual amenity.
It is considered that the proposed would still be subordinate to the two-storey host dwelling and be partially screened in height by the existing boundary fence to the south while matching in materials used in the host dwelling. The surrounding residential area has a variety of detached and attached extensions in the rear garden areas which serve to provide the visual impression of rear extensions that protrude further than 3.3m and those existing examples on balance would demonstrate that the proposed to the rear would have very little visual impact on the streetscene.
The decking would be a raised platform above 0.3m due to the steep ground level gradient drop towards the west and would be screened by the current garden boundary treatment and extensions being of no impact on the

streetscene. The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site. The decking would not appear incongruous given the wide variety of structures, extensions and outbuildings within the rear gardens of properties in the vicinity of the site.
The glazed Juliet balcony barrier would be regarded as a minor alteration to the existing first floor window towards the rear.
On visual amenity, the proposed would be acceptable considering the surrounding area however residential amenity will need careful consideration of the potential impacts later in the report to fully accord with Policy LP24 of the Local Plan while meeting some of the guidelines given in the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

In addition, the adopted 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light, Principle 6 – Preventing overbearing impact, and Principle 17 – Access for all users.

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected within 21m by the development are No. 62 (north) and No. 66 (south).

No.62
The replacement of the existing side extension would have a slight increase in height than current however it would not substantially change the existing relationship between those properties given that no additional windows on the flank elevation are proposed and Officers are satisfied that no additional detrimental impact on overlooking, overshadowing and overbearing would result from this element of the proposal. The single-storey design and the windowless flank elevation of the rear extension would be separated from the flank wall of the neighbouring boundary by 3m minimum and would be facing the blank side elevation of its detached outbuilding positioned on raised ground and Officers are satisfied that the scheme would not have any additional detrimental impact on overlooking, overshadowing and overbearing.

No. 66
With regard to No. 66 to the south, the property has a raised platform approximately 0.6-8m height above the actual ground level adjacent to the rear elevation which extends approximately 5.5m. The proposed

decking/raised platform in addition to the extension would be similarly matching the projection and height of No. 66's raised area leading to potential issues with overlooking/loss of privacy. Officers would be satisfied with a privacy screen 1.5m height x 1.8m width to the south neighbouring boundary to maintain privacy to both neighbours to comply with Principle 3 SPD. The rear extension projecting 3.3m adjacent to the kitchen window would not comply with the 45° rule in the adopted 'House Extension and Alterations SPD' being set close to the neighbouring boundary; however on balance the extension would be to the northwest of the property boundary and appear to be approximately 2.5-2.7m in height from No. 66's platform which would aid in ensuring that there would be no additional undue impact on overshadowing, overlooking or overbearing.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, would not intensify use and therefore would not cause additional harm to highway safety.

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.
In addition, Principle 8 – Energy efficiency of the adopted 'House Extension and Alterations SPD' is relevant.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The improved building standards of modern extensions would serve to add thermal insulation to a 1950s era dwelling house and the increased glazing provided by the roof lantern and the bifolds would serve to increase daylighting to the property to reduce energy usage.
Biodiversity

Whilst considering Biodiversity, Principle 12 – Natural environment of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and not disturbing the host dwelling's eaves 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:

No representations had been received.

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: 2022/90124

Officer Recommendation: Approve

Conditions and Reasons

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 schedule 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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The external wall materials of the extensions 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 Policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. A 1.5 metre height (from the surface of the raised platform area to the rear) x 1.8 metre width close slatted timber privacy screen shall be positioned between No. 64 and No. 66 before the raised platform (decking) is first brought into use and retained thereafter as set out in '00 Site Plan – Proposed. Drawing No. P10, Revision 1' of the 'Grouped Plans. Project No. J21-077. Revision: 1'.
Reason: In the interests of residential amenity, to prevent loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
Plans – Location Plan	Site Location Plan. Revision: -.	-	14/01/2022
Plans - Grouped Plans and Elevations	Existing Sht 1. Project No. J21-077. Drawing No. P00. Revision: -.	-	14/01/2022

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	Existing Sheet 2. Project No. J21-077. Drawing No. P01. Revision: -.	-	14/01/2022
Plans - Grouped Plans and Elevations	Grouped Plans. Project No. J21-077. Revision: 1.	1	11/03/2022

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. The case officer considered the application on review and the rear extension was reduced to 3.3m projection from the rear with a privacy screen to its south boundary to better meet the adopted 'House Extension and Alterations SPD' and LP policies on visual and residential amenity.

Report Dated: 30/03/2022