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:	**2022/62/90125/W**
Site Address:	44, Shannon Drive, Mount, Huddersfield, HD3 3UL
Description:	Demolition of existing garage and conservatory and erection of single storey rear and side extension and external alterations
Recommending Officer:	Tom Hunt

DECISION – Conditional Full Permission

I hereby authorise the approval 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: 10-May-2022

Officer Report

Site Description

2022/90125 – 44, Shannon Drive, Mount, Huddersfield, HD3 3UL

No 44 Shannon Drive is a semi-detached bungalow with first floor accommodation in its roof, facilitated by dormers both front and rear. The construction materials are stone faced to the front elevation and brick to the side and rear with concrete tile roof. The dormers are flat roofed with felt and clad with white horizontal slats. The windows and doors are white uPVC. To the rear, a small conservatory and a detached garage within a rear garden.

No. 44 is situated on a residential street with varying architectural styles and differing dormer treatments present.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and a PROW is claimed outside the rear garden boundary. Permitted Development Rights are retained.

Description of Proposal

Demolition of existing garage and conservatory and erection of single storey rear and side extension and external alterations

Demolition of Detached Garage
The detached garage to be demolished is a flat roofed one with internal dimensions of 2.6m width by 4.8m depth by 2.5-2.6m height from ground.

Single-storey Side Extension
Overall the proposed single storey extension would be set back 5.2m from the primary elevation and would extend beyond the rear elevation with a side gable pitched roof. It would have the dimensions of:

- 2.45m projection from the side elevation x 8m depth
- Roof ridge height 3.7m and 2.6m eaves height from ground level.

The roof would adjoin the existing rear dormer at the base from the rear elevation.

Openings would be garage style door to the primary elevation and a window to the rear elevation with no side openings proposed to walls. There would be a rooflight to the rear roof elevation.

This would serve a storage area at the front and a snug area at the rear.

Single-storey Rear Extension
This would have a lean-to roof and be set back 1m from the paired neighbour's shared boundary.

It would have the dimensions of:

3.5m from the rear x 5m in width and;
roof ridge height of 3.7m with eaves to match the eaves of the side extension at 2.6m.

Openings proposed would be high level window to the side elevation facing southwest (base of window is 1.7m from ground level) and openings to the rear consisting of patio doors. Two rooflights are to be inserted to the rear roof elevation.

This would serve an open plan kitchen/living area with access to the snug provided by the side extension.

Materials
The extensions are to be faced in red brick with concrete tile to match the existing. The amended floor plan states that the concrete panels of the existing garage is to be reused which will be assessed under Visual Amenity of the Assessment.

Other alterations
Both the front and rear dormers are to be clad in grey uPVC cladding including the existing sections.

The front dormer would be extended and still be flush with the existing front dormer's primary elevation. The dimensions would be from 3.7m to 5.5m width
almost spanning the primary roof elevation and of the same height. It would be stepped down from the roof ridge height by 2m. This would have an additional window.

The rear dormer will set forward of the rear dormer by approximately 0.45m projection x 5.35m width whilst being of the same flat roof height as existing and to have an overall projection of 2.3m from the roof plane. Overall, it would be 5.8m spanning the rear roof elevation. It would be stepped down from roof ridge height by 2m matching the host's original dormers.

Officer Note: Previously approved plans in the NMA had similar additional depth but a width of 3m placed to the northeast boundary of the existing rear dormer. They were approved as white cladding to fit in with the streetscene.

The front elevation window to ground floor would be obscured to provide privacy for the bathroom.

Parking and Bins
This would leave two off street parking spaces on the driveway for a 4 bed property. Bins could be stored in the storage room.

History of negotiations/amendments received

The case officer considered the application on review and sought to have the rear extension reduced in projection and width with a set back from the paired neighbour's shared boundary. The originally proposed flat roof to the fore of the side extension was declined for design reasons being out of keeping with the area.

Relevant Planning History

2020/93831 – Erection of dormer windows to front and rear. Conditional Full Permission.

2021/90877 – Non material amendment to previous permission 2020/93831 for erection of dormer windows to front and rear. Approved.

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: 02/04/2022

One representation have been received; a summary of the comments received is set out below:

- Visual amenity – mixture of red brick and old concrete garage panels
- Overshadowing (height of side extension to hallway glass panels).

The amended plans were not re-advertised as the bulk and massing to the rear was reduced with no material change to overlooking. The roof of the side elevation would be viewed against the greater mass of the host property.

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**

Supplementary Planning Guidance

- House Extension and Alterations SPD
- Highways Design Guide SPD

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

<u>1 – Principle of development</u>:

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

> "The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever

possible, and to secure development that improves the economic, social and environmental conditions in the area."

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.

Front and rear dormers

Previously they were given permission in application 2020/93831 and amended in a Non-Material Amendment to that permission approved by app no. 2021/90877. The rear dormer would have a small-scale alteration of protruding 0.45m in additional depth to the existing rear and to have a 5.35m width, its position to the rear would aid in the proposed to be of minimal visual impact on the streetscene and it would have a setback of 0.5m from the shared neighbouring boundary reducing its impact.

The front dormer dimensions would remain as approved previously. It would still be considered a small-scale alteration to the front elevation of the host in line with existing examples of similar dormer extensions on the streetscene. While it would appear visually un-balanced, in this instance given the examples on the streetscene this would have little visual impact on the character of the area and therefore, in this instance be acceptable considering the guidance in the House Extension and Alterations SPD.

The change of materials from white to grey uPVC horizontal boarding would be a change from the streetscene considering that the limited examples dormers are of white uPVC boarding, however in this instance, Officers are satisfied that the grey boarding would aid in the dormers visually blending in with the roof tile of the host and be in keeping with the streetscene.

Side extension

The House Extension and Alterations SPD design guidelines sets out that Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

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

The proposed would exceed the setback of 0.5m from the primary elevation to be 5.2m aiding clear subservience to the host. It would not exceed width or height limits advised and would have a side gable roof similar to the host therefore it would be fully compliant with the House Extension and Alterations SPD. Further it would be faced in materials of red brick to match the side elevation of the host and used as a secondary material to the host, the considerable set back of the front elevation of the side extension would aid in the extension appearing secondary; taking into account the representation, the proposed would be in line with the existing examples of the streetscene

for visual amenity. The amended floor plan makes reference to re-using existing garage panels which are concrete while the elevations reflect the use of red brick to walls and matching tile to the host building roof, Officers are satisfied that including a condition to restrict materials to this would address the representation on visual amenity satisfactorily for clarity in this instance and ensure the concrete panels are not re-used.
Whilst it would not retain a garden access path, reducing this to 1.45m width would render the scheme unviable and providing even more limited storage. In this instance, the front room would be for storage and used for bins storage aiding in a proposal that would serve to reduce streetscene clutter for improved visual amenity and be acceptable. As it would be set to the neighbouring boundary to the northeast, Officers considered the proposal's set back position, the removal of the garage and the angled position of No. 11 in relation to the property to introduce a scheme that would visually not appear to unduly have a terracing effect and be acceptable in this instance.

Rear extension

According to the House Extension and Alterations SPD, Single storey rear extensions 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;
- 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.

The proposed would have a lean-to roof aiding subservience and be faced in materials matching the rear elevation of the host in line with LP24 of the KLP and the House Extension and Alterations SPD. The removal of the outbuilding/garage would aid in the reduction of mass and bulk to the rear; while the rear extension would protrude 3.5m from the rear, the removal of the garage and the set back of the southwest elevation of the extension from the neighbouring boundary would aid in good design and would, on balance, in this instance acceptable. The eaves would be 2.6m height which is a minor deviation from the guidelines rendered acceptable due to its position northeast of the paired neighbour and the setback to have a rear extension with minimal visual impact to its neighbours.

Other alterations

The obscurely glazed window to the front of the host would appear as a minor alteration and acceptable. Due to the separation distance of 22.5m to opposite neighbours, it is not considered essential to condition obscurely glazed windows to avoid impacts on residential amenity.
The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be

acceptable and accord with Policy LP24 of the Local Plan and 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 and the House Extension and Alterations SPD which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

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 by the development are No. 46 (northeast) and No. 42 (southwest).

The primary dormer matches the existing dormer's projection from the roof and would not with its additional window cause harm to overbearing, overshadowing or privacy. While the rear dormer is stepped forward of the existing, this overlooks fields and would not cause additional harm when considering the existing relationship of the dormers to the fields. The additional depth of the rear dormer would have restricted impact on No. 46 aided by the separation distance of 7m and its position to the southwest of the neighbour.

The rear extension would be set back from No. 46's shared neighbouring boundary in line with the House Extension and Alterations SPD guidance, be to the northeast of the neighbour and would have a high level window facing their conservatory, Officers are satisfied that the setback position, the lean-to roof with its eaves and the orientation of the extension would not have undue overshadowing or overbearing impacts to this neighbour. In addition, given the distance of 1m from the neighbour for the proposed 1.7m base height from ground level window; the potential impact of the high level horizontal window on overlooking and loss of privacy to the neighbouring conservatory by people of 1.8m height would have very restricted views which could be reasonably managed by conditioning this window to be obscurely glazed to minimise the impression of overlooking/loss of privacy to be acceptable.

The impact of the single-storey side extension to No. 46 following the removal of the garage adjacent to No. 46's own garage would have an extension with no flank elevation windows and would have additional bulk and massing closer to the boundary which would be partially screened by No. 46's garage. No. 46 has a secondary side elevation window and partial glazing around the door affected by the closer added mass to the southwest of their windows. In this instance, considering the orientation and angled position of the proposed single-storey design of the side extension with its pitched roof to the neighbour, aided by the separation distance of 4.6m, the proposal would not add undue overshadowing impact to these non-habitable openings.

On balance, the proposal would remove the garage, have minor alterations to the dormers and would have its extensions suitably designed and conditioned to avoid undue impacts on overlooking, overshadowing and overbearing for residential amenity.

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 Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.
For a 4 plus bedroom dwelling, it should have three off street parking spaces.

The proposal would remove a garage which has internal dimensions too small to accommodate modern vehicles sizes as per the Highways Design Guide SPD. A storage room would be able to accommodate bin storage. It would be on a quiet close with properties all with driveways able to supply off-street parking and the property benefits from a softening green front amenity space reducing the detrimental impacts of too much hard surfacing noted to be a positive contribution in the House Extension and Alterations SPD within Principle 15. While it would intensify use with an undersupply of two off street parking spaces retained for a 4 bed property; in this instance, the limited impacts on highway safety of the proposal and the positive impact of the green landscaping to be retained on visual amenity within a quiet close well served by driveways would on balance be acceptable for maintaining 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, House Extension and Alterations SPD and guidance documents to embed the climate change agenda.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The proposal would have to meet improved Building Regulations standards

on insulation and energy efficiency amongst other considerations which would aid in the proposal to positively improve the insulation of the host dwelling to the roof, flank and rear elevations for climate change resilience.

Biodiversity

Whilst it is acknowledged that the site is located at the border of an identified bat alert area, the proposals are relatively modest, on a well-sealed roof being separated from substantial wooded areas including 300m distance away further separated by a busy road adjacent to a Wildlife Habitat Network south 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:

One representation had been received.

Visual amenity – prescriptive condition attached to limit the materials used for the ground floor extensions to red brick, matching tile to the host property only.

Overshadowing – Officers considered the impacts of this, the removal of the single storey garage would aid in improving daylighting to the rear garden of the neighbour. The addition of the single storey side/rear extension would have restricted impact to the northeast neighbouring secondary flank elevation due to its reduced projection, orientation and its separation distance. The impacts of the rear extension to the paired neighbour which replaces a pre-existing conservatory was managed by reducing the projection, achieving a greater set back from the boundary and its position to the northeast of the neighbour would ameliorate impacts of potential overshadowing.

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: 2022/90125

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. Notwithstanding the annotation on the submitted plan 'Proposed Plans. Drawing No. 22_103.1.2A.', the external facing and roofing materials of the ground floor extensions approved shall be limited to red brick and tile to match the host building's materials used as set out in the 'Proposed Elevations. Drawing No. 22_103.2.1A.'.
Reason: So as to not detract from the visual amenity of the streetscene in accordance with Principle 1 and 2 of the Home Extensions and Alterations SPD and LP24 of the Kirklees Local Plan. The re-use of concrete panels from the garage is not approved.

4. The kitchen/living room high-level window in the southwest side elevation of the rear extension, shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the

Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan, the requirements of the House Extensions and Alterations SPD and advice in 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	Location Plan. Drawing No. 21-171.	-	21/01/2022
Plans – Existing Site/Block Layout	Existing Site Plan. Drawing No. 21-171.2. Revision: -.	-	20/01/2022
Plans – Existing Elevations	Existing Elevations. Drawing No. 20_138.2.	-	04/05/2022

Plan Type	Reference	Version	Date Received
Plans – Existing Floor Plans	Existing Plans. Drawing No. 21-171.1. Revision: -.	-	20/01/2022
Plans – Proposed Elevations	Proposed Elevations. Drawing No. 22_103.2.1A.	A	27/04/2022
Plans – Proposed Floor Plans	Proposed Plans. Drawing No. 22_103.1.2A.	A	27/04/2022

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 sought to have the rear extension reduced in projection and width with a set back from the paired neighbour's shared boundary. The originally proposed flat roof to the fore of the side extension was declined for design reasons being out of keeping with the area. The amended proposal was considered in line with the design guidance set out in LP24 of the Kirklees Local Plan and the House Extension and Alterations SPD.

Report Dated: 09/05/2022