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:	**2022/62/90156/W**
Site Address:	20, Marcus Way, Mount, Huddersfield, HD3 3YA
Description:	Erection of single storey rear extension and garage conversion 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: 14-Mar-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90156

Site Description

20 Marcus Way is a detached property located within an area without notation on the Kirklees Local Plan. The property is two storeys in height and constructed from brick with a concrete tiled roof. There is a driveway to the front of the property which leads to an integral garage and to the rear is a garden area. To the rear of the property are 2 no. flat roof projections to the dining room and kitchen. Boundary treatments are mainly fencing.

Surrounding development consists of mainly residential properties comprised of detached and semi-detached properties.

Description of Proposal

Permission is sought for the erection of a single storey rear extension and garage conversion.

Single storey rear extension

The proposed single storey extension would be located on the rear elevation of the property. The extension would project beyond the side elevation by 0.6 metres and would project 4.2 metres from the rear elevation. The proposed eaves height of the extension would be 2.7 metres with the overall height being 3.4 metres to the ridge. The proposed construction materials would be brick for the walls and tiles for the roof with uPVC for the windows and doors.

Garage conversion

It is proposed that the existing integral garage would be converted to living accommodation for a bathroom and utility room. The existing ground floor front elevation would infilled and a window inserted.

History of negotiations/amendments received

None

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 24th February 2022 – no representations received

Parish Council – not applicable

Consultation Responses

Lead Local Flood Authority – groundwater protection may possibly be an Environment Agency concern

Environment Agency – no response to date

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. The site falls within an area with a known presence of bats and identified by the Coal Authority as being at a low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **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 2 – Achieving sustainable development

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking

With specific regard to the single storey rear extensions, the SPD states that these should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

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.

The design of the extension is such it would be to the rear of the property and therefore would not be visible within the street scene from public vantage points. The extension would be single storey in height and would therefore be subservient when read against the back drop of the two storey dwelling. The extension would accord with the SPD by virtue of being in keeping with the scale and style of the property by having matching materials and having a

pitched roof and would not exceed 4 metres in height. The extension would project slightly further than the 4 metres advised and would not retain a 1 metre gap between the boundary. Notwithstanding this, external access to the rear of the property is achieved as the other side of the property provides this access.

The proposed garage conversion would result in the existing garage door being removed and the openings walled up with brick to match the host property and a window inserted. The opening would align with the existing first floor opening which is considered to be acceptable.

It is recommended that any grant of permission requires the materials of construction to match those used in the construction of the existing dwelling. Subject to condition it is considered that in terms of visual amenity, the proposed would broadly 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. 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 see the retention of a functional amenity space to both the front and rear.

With regards to the proposed garage conversion, the non-habitable garage accommodation would be altered to be a bathroom and utility room which are also non-habitable. The new opening would not decrease the existing separation distance between the front elevation and the facing properties and therefore this is considered to be acceptable.

With regards to the rear extension, openings are proposed within the rear elevation and also the side elevation facing across the rear of the property. There are no openings with the side elevation facing directly towards No. 22 other than roof lights which are considered to be acceptable as due to their height would not lead to overlooking. The openings within the other side and rear elevations are considered to be acceptable given their orientation and distance from neighbouring properties.

With regards to overshadowing and/or being overbearing, the extension would face the side elevation of No. 22 and would be separated from this property by the driveway to No. 22 with this property set on a higher ground level. The

extension would project slightly more than the 4 metres recommended within the SPD however given the site layout, difference in levels and the extension being single storey in height, it is not considered that the proposal would have an undue impact from overshadowing or by being overbearing.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would comply with policies 3, 4, 5, 6 and 7 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 development, it is proposed that the existing garage would be converted to provide accommodation. The internal measurements of the existing garage are 2.8 metres x 5.2 metres which falls short of the minimum requirements within the Highways Design Guide SPD. As such, there would be no loss of parking as a result of the conversion. 2 no. vehicles can park at the front of the property, as noted on the site visit and therefore it is considered that there are minimal concerns with regard to parking or highway safety.

5 – Other matters:

Climate Change –

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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: 2022/90156

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 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 thereafter retained.
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.

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	MW01.#		18th January 2022
Existing site plan	MW02.#		18th January 2022
Existing elevations and ground floor plan	MW03.#		18th January 2022
Proposed site plan	MW04.#		18th January 2022
Proposed elevations and ground floor plan	MW05.#		18th 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: 14th March 2022

Coal – low