

**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:	2022/62/90226/W
Site Address:	20, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA
Description:	Erection of single storey side extension
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 13-Apr-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/90226>

Site Description

20 Rutland Road is a two storey detached dwelling located within an area without notation on the Kirklees Local Plan. The dwelling is constructed from facing brickwork and has uPVC openings. To the front of the property is a driveway and small garden and to the rear is a garden area with a playing field beyond. The surrounding is comprised of mainly detached properties which vary in design.

Description of Proposal

Permission is sought for the erection of a single storey side extension.

The proposed extension would be set back slightly from the front elevation of the property and would project to the side by 1.8 metres being set in from the shared boundary by 0.5 metres. The extension would span the full depth of the property and would lie flush with the existing rear elevation. The eaves height would be 2.9 metres rising to an overall height of 3.8 metres at the ridge of the hipped lean-to roof.

The proposed construction materials would be facing brickwork for the walls, concrete interlocking tiles for the roof and white uPVC for the windows.

History of negotiations/amendments received

None

Relevant Planning History

2021/82897 Erection of two storey extension to side and associated alterations

Refused

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 2nd March 2022 – no representations received

Parish Council – not applicable

Consultation Responses

None required

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity

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 (SPD's)

- House Extensions and Alterations Supplementary Planning Guidance

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 14: Drainage and flood risk
- Key design principle 15: Provision for parking

In terms of single storey side extensions, the SPD states that these 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.

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within the 'Impact on visual amenity' and 'Impact on residential amenity' sections of this report.

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 proposal has been submitted following the refusal of permission under application number 2021/92897 which was for the erection of two storey extension to side and associated alterations. The reason for refusal was as follows:

1. The proposed extension by reason of its design, scale and siting would result in a scheme that would appear cramped and incongruous resulting in harm to the character and appearance of the host dwelling and the wider streetscene. The extension would fail to comply with paragraph 5.20 of the adopted House Extensions and Alterations Supplementary Planning Document and Policy LP24 (a) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

To overcome this previous reason for refusal, following discussions prior to the application being submitted, the application has been submitted as a single storey extension. The extension would be subservient to the host property by being a single storey. The extension would be less than two thirds of the width of the original property and would be less than 4 metres in height and therefore complying with sub-paragraph 5.17 of the SPD. The extension would not be set back by the full 0.5 metres and the space between the side elevation and the boundary would be 0.5 metres rather than the full 1 metre as required within the SPD. Notwithstanding this, the extension is set back from the front elevation and due to being single storey in height, it would not create a 'terracing effect' which was highlighted as a concern with the previous application where there would be a 0.2 metre gap between the eaves of the proposed extension and the neighbouring property. The 0.5 metre gap between the side elevation of the property and the side elevation of the neighbouring property which forms the boundary retains a sense of space between the properties. It is important to note that the property has full permitted development rights and therefore the property could be extended up to the boundary of the site, subject to criteria without the requirement of planning permission.

The proposed construction materials would match the existing and fenestration details are in keeping and therefore, the proposed works would comply with key design principles 1, 2 and 9 of the House Extensions and Alterations SPD.

Key design principle 7 requires that extension should ensure that appropriately sized and usable areas of private outdoor space is retained. In this instance, whilst the area to the side of the property would be covered by the extension, the garden area to the rear and the open amenity space to the front of the property would be retained and therefore it is not considered that the works would result in an overdevelopment of the plot.

It is considered that the proposal has overcome the concerns raised within the previous application and therefore, in terms of visual amenity, the proposal is considered to be acceptable.

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.

The scheme proposes openings within the front and rear elevations of the property. The established separation distance with the facing properties would not be reduced and there are no dwellings beyond the rear elevation which would be affected by the works. There are no openings within the side elevation of the adjacent property and therefore there would be minimal harm in terms of overlooking, being overbearing or from overshadowing.

It is therefore considered that the extension would comply with Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

4 – Impact on highway safety:

No additional bedroom space would be created and therefore there is no requirement to provide additional parking for the property. The design and siting of the extension makes it more likely that bin storage will take place towards the front of the property. The front window of the extension is small and there is space in front/to the side of this to provide the most discreet area possible for the siting of bins at the front of the property. As this did to form a reason for refusal on the last application this, in this isolated case, is considered acceptable for this application.

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. The proposed works would aid in the thermal efficiency of the property by being constructed from modern materials.

Drainage – there is a culvert that runs along the rear of the site. As the extension would not encroach any further towards the culvert, it was not considered necessary to require any further details regarding the protection of the culvert.

Ecology – 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 would not conflict with the existing roof form of the host dwelling itself 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: 2022/90226

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, LP24 and LP30 of the Kirklees Local Plan Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14 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 House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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	LP01		24 th January 2022
Existing elevations and floor plans	2021/040/01		24 th January 2022
Proposed elevations and floor plans	2021/040/07		24 th 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:

11th April 2022

Coal – none