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:	**2022/62/90303/W**
Site Address:	260 , Keldregate, Deighton, Huddersfield, HD2 1LE
Description:	Erection of single storey side extension and external alterations
Recommending Officer:	Sam Jackman

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: 20-Dec-2022

Officer Report – 2022/90303

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F90303

Site Description

260 Keldregate, Deighton is a semi-detached bungalow located on the corner with Crawthorne Crescent and on the brow of a hill when approaching south along Keldregate.

The property is constructed of brick base and corner detailing with rendered elevations.

The property benefits from a double garage, an outside office and wood store with an open plan front garden. The rear garden is enclosed with a 2m fence along Keldregate which then returns at right-angles towards the property with a small dog leg before attaching to the side elevation of the property.

Description of Proposal

The application is for a side extension to create a new bedroom and enlarged kitchen dining area.

The measurements of the proposal are as follows:

- 3.3m in projection from the gable
- 8m in width
- 2.3m in height to the eaves; 5.1m in overall height

The existing fence will be relocated to provide access into the property.

The proposed extension would be built from materials to match the host property using off-white acrylic rendered walls and concrete tiled roof.

History of negotiations/amendments received

Amended plans were requested to reduce the size of the side extension which initially showed a large bedroom with en-suite, WC, entrance lobby and large dining area. Where the extension was the full depth of the property and projected 6.3m from the gable.

The revised plans reduced the projection to 6.15m and set the extension in from the front & rear walls but kept a similar level of accommodation. Again this was considered to be unacceptable.

Further amendments have been received which are now been considered which removed the en-suite, WC and entrance porch.

Relevant Planning History

Double garage, separate log store & office built between 2012 & 2018.

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, which expired on the 10.3.22, whereby no representations have been received.

The amended plans were considered to make changes to the proposal's design (reductions) and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

Health & Safety Exec - does not advise against the granting of planning permission.

Policy

The site is unallocated on the Kirklees Local Plan, falls within an area with a known presence of bats, within health & safety - Hazardous layer and in an area at 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** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP53** - Contamination

Supplementary Planning Documents:

- Highways Design Guide SPD

- House Extensions and Alterations 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 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 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”

- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

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

- 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

With specific regard to the proposed development, the SPD states that in terms of side extensions:

Section 5.17 refers to the general rules, where single storey side extension 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.

Section 5.23 specifically refers to corner plots, where side extensions should be considered as being both side and front extensions and as such will relate to both street frontages. Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets; and Following the boundary treatment along both streets, in relation to its position, height and materials.

Therefore, front extensions in section 5.2 of the SPD considers the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The above listed policies and guidance within the House Extensions and Alteration 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:

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Chapter 12 of the NPPF set out that development should be of an acceptable design

LP24 states that proposals should promote good design by ensuring:

> *"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…*
>
> *c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"*

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations SPD seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the Council's adopted House Extensions & Alterations SPD requires development

to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposal is for a side extension to a corner plot at the junction with Keldregate and Crawthorne Crescent it also sits on the brow of a hill when traveling south along Keldregate.

The property benefits from an open plan front garden which wraps round to the side, before a 2m fence has been erected along the boundary and encloses the rear garden.

The proposed plan shows the new fence relocated 1.4m to the right of the new entrance retaining the enclosed rear garden.

It is accepted that the side extension will be clearly visible from the north but less so from the south as it will be partially screened by the existing outbuilding. The extension would also be considered to be a front extension given the 2 road frontages and albeit it would project forward of the building line along Keldregate, it has a different relationship with the streets to that of its neighbours as it is seen to be part of Crawthorne Crescent and that the extension is to the side which currently is a blank elevation with only a central door. This detail will be reflected in the proposal albeit the SPD suggests the extension should have features to represent a front elevation. It is acknowledged that the extension would project beyond the 'building line' of Keldregate but in this isolated case, given the presence of the large garage an outbuildings there would be no material harm to the visual character of Keldregate from the erection of this now modest extension.

The design of the proposal is such that the side extension would have the eaves height to match the existing eaves and a roof line which is set down from the existing. The gabled roof design would be retained within the design of the side extension. This element of the proposal would broadly comply with the House Extensions and Alterations SPD with the plans indicating that the extension would be set in from the boundary with Keldregate by almost 4metres. This ensures a level of separation between the site and the roadside. Amended plans were sought to reduce the size of the side extension considerably, including the set in from both the front and rear elevations, of the property which has now been achieved and complies with the requirement of the SPD under subparagraph 5.20.

It is therefore considered that in terms of visual amenity, the proposal would broadly comply with the House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of

the site as a usable garden space would remain. The development is therefore considered to comply with this principle.

It is acknowledged that the extension would project beyond the ‘building line’ of Keldregate

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) 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.

No.260 has an attached neighbour no.82 Crawthorne Crescent and detached neighbours No 258 Keldregate (north of the site), 262 (south of the site) & 213-221 opposite the site.

Impact on No.82 Crawthorne Crescent.
This property is the attached neighbour and given that the extension is within the confines of the front & rear elevation and located on the opposite gable to this neighbour. It is considered that the extension would have little impact on No.260 with regards overlooking, overbearing or overshadowing.

Impact on No.213-221 Keldregate.
These properties are opposite the site and over 20m away, separated by Keldregate, therefore, with no overlooking windows, again it is considered that the extension would have little impact on these properties with regards overlooking, overbearing or overshadowing.

Impact on No.258 Keldregate
This neighbour is to the north with over 30m separation distance where the application would face the gable of this property, again it is considered that the extension would have little impact on No.258 with regards overlooking, overbearing or overshadowing.

Impact on No.262 Keldregate

This neighbour is to the south and the closest neighbour with a separation distance of 17m, where the proposed extension will be partially screened by the existing outbuildings, where it is considered that the extension would have

little impact on No.262 with regards overlooking, overbearing or overshadowing.

Therefore, it is considered that the proposed extension is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 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.

In this case the proposal will increase the living space and the bedrooms from 2 to 3, however, there are no highway issues as the drive / parking arrangement is not being affected by the proposal and can still accommodate 2 cars, plus 2 cars in the garage as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

There is ample space within the site for the storage of bins in compliance with KDP 16 of the SPD.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Health & Safety Exec - does not advise against the granting of planning permission. The development is in accordance with Policy LP53 of the Local Plan and Chapter 15 of the NPPF.

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the extension will not connect into the existing roof, but will sit up against the gable, where the property also appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – 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 and Policy LP53 of the Local Plan.

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: 2022/90303

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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP6, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted Supplementary Planning Document on House

Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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
Application Form			31.1.22
Existing location Plan 1:1250/ Block Plan 1:200	00-001		31.1.22
Proposed Floor Plan	00-002	B	12.8.22
Proposed fence position	00-003		15.12.22
Existing floor plan	01-001		31.1.22
Existing elevations	02-001		31.1.22
Existing & proposed roof plan	01-003	B	12.8.22
Proposed layout	01-002	B	12.8.22
Proposed elevations	02-002	B	12.8.22
Proposed rear elevations (sheet 2 of 2)	02-003	B	12.8.22
Proposed section	03-001	B	12.8.22

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 requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity. This decision is based on the amended/additional documents submitted.

Report Dated: 16.12.22

Coal – Low