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:	**2022/62/90408/W**
Site Address:	30, Heatherfield Crescent, Marsh, Huddersfield, HD1 4QN
Description:	Demolition of existing shed and erection of single storey rear extension
Recommending Officer:	William Simcock

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: 10-May-2022

Officer Report 2022/90408
30 Heatherfield Crescent, Marsh

Site Description

30 Heatherfield Crescent is a two-storey semi-detached house (the left-hand half of a pair as viewed from the street) which has its front elevation facing east. It is built in stone except for the side elevation which is rendered, and has a blue slate roof. The only extension is a small lean-to structure placed at the rear of the house close to the passageway (described as a “shed”).

It has a long, narrow rear garden without any steep gradients, although there is a gentle gradient along the row so that the plot to the north is a little higher. Land also rises a little to the rear of the site.

Boundaries are formed by high timber fences. The wider area comprises development of similar type.

Description of Proposal

The proposal is for the demolition of the existing shed and the erection of a single-storey rear extension. The extension would project 3.7m and would be just short of the full width of the rear elevation, being set in by 500mm from the adjoining dwelling to the north, no. 28. It would have an asymmetrical roof, the pitch being much shallow on the north than the south side. Materials are to be stone and slate.

History of negotiations/amendments received

03-May-2022: Amended elevation showing it in context. Not re-advertised since it was not considered to raise new planning issues.

Relevant Planning History

2018/93844 – Erection of single-storey outbuilding to rear. Approved and development commenced.

2021/90968 – Variation of C2 on previous permission 2018/93844. Granted.

Representations

Final publicity date Expires: 04-Apr-2022 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order)

No representations received.

Consultation Responses

None were deemed necessary in this instance.

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 designation on the Local Plan.

Local Plan:

LP 21: Highways and access
LP 22: Parking
LP 24: Design

Supplementary Planning Documents:

- KC 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.

The following two documents have also recently been approved by Cabinet and these can be viewed at: https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in G:\Planning\SPDs & Guidance Notes.

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 – Requiring good design

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22. The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

2 –Impact on visual amenity: Key Design Principles 1 and 2 set out general guidelines for assessing impact on character and visual amenity:

> KDP 1 – Local character and the street scene – Extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.
>
> KDP 2 – Impact on the original house – 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.

Under the Householder Extensions and Alterations SPD, rear extensions should normally preserve at least half the original rear garden, be in keeping with the style of the house, not exceed 4m in height or project more than 3m (for semi-detached dwellings), eaves to be 2.5m or less, and retain a 1m gap before the property boundary.

The extension would clearly preserve much more than half the original garden. It would not meet the criterion of preserving a 1m gap before the side

boundary but it would be clearly subordinate to the existing dwelling, and being seen in the context of somewhat higher land and buildings to the north would further reduce its visual impact.

Part 1.11 of the SPD states that the council "…will be flexible where innovative and contemporary designs which enhance the appearance and character of an area are proposed" and later, in paragraph 4.6, it states that the council will "…support innovative and modern design approaches which are high-quality and appropriate to the local context..." The asymmetrical roof is unconventional, but it is considered that it would give rise to an aesthetically pleasing design that would enhance the character of the dwelling and would not detract from the character of its surroundings.

It is considered that subject to all materials matching those used on the existing building, which can be conditioned, the development would conserve the visual amenity of the area and accord with the aims of LP24 and KDP1-2.

3 – Impact on residential amenity: Key Design Principles 3-6 are applicable:

> 3 – Privacy: Extensions should avoid overlooking and undue loss of privacy, having regard for the recommended minimum separation distances and site levels.
>
> 4 – Habitable rooms and side windows: Design and layout of habitable and non-habitable rooms to reduce conflict relating to light, privacy and outlook.
>
> 5 - Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens. When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines.
>
> 6 – Extensions and alterations should not unduly reduce outlook from a neighbouring property. Regard will be given to the established character of an area and existing feeling of openness.

No. 28, the adjoining dwelling, has a window close to the boundary which is likely to be habitable and on the far side of this a small conservatory.

The extension substantially exceeds the recommended projection of 3.0m and does not comply with 45 degree rule with respect to the nearest window in no. 28. It is noted however that under permitted development rights, an extension of 3.0m could be built on the common boundary, without recourse to the prior notification procedure.

It is considered that taking into account the difference in floor levels between the two dwellings (approximately 400mm) and that it has a very shallow roof pitch on the side facing no. 28, it would not have a significantly overbearing

impact on ground floor windows (including conservatory) in the adjoining property. Being positioned to the south in relation to no. 28, it could have some impact on direct sunlight to the ground floor windows and the adjacent parts of the garden, but again this would also occur under the permitted development scenario outlined in the paragraph above, and it is unlikely that the extension proposed would be materially worse in this respect. Furthermore, both properties benefit from generous sized rear gardens and only a small part of the garden would experience increased overshadowing.

With respect to no. 32 to the south, the extension would appear somewhat higher owing to the change in ground levels and would present a more steeply-pitching roof, but the two properties are separated by their respective side passageways and it is considered the effect would not be overbearing.

There is a window in the southern elevation which would face towards no. 32 and would not be fully screened by the existing fencing. It is recommended that this is conditioned to have obscure glazing and be non-opening. The northern elevation is shown to be blank, which it is recommended should be conditioned, with no further windows to be formed in the side elevations, in the interests of privacy.

Subject to these two conditions, the development would have no adverse impact on neighbouring properties. The development therefore accords with the aims of LP24(b&c) and the degree of non-compliance with the House Extensions and Alterations SPD has been justified.

4 – Impact on highway safety: The development would not interfere with any existing parking or access arrangements. It is considered unlikely that the amount of living accommodation created would have a material impact upon parking demand, since no new bedrooms are being created. It is considered to have no material highway safety impacts and to accord with the aims of LP21-22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer and within an area in which there are swift records, but on the basis of an external viewing would appear to have no bat roost or bird nesting potential. It is considered that in view of the scale of the extension, opportunities for enhancement are limited and it would be disproportionate to impose such a measure as a condition. The standard precautionary note will be added to the decision notice.

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 this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The proposal is for a relatively small extension to an existing dwelling within an urban area. Whilst it would not improve the insulation of the dwelling overall, the west-facing glazing would at least allow a degree of passive solar heating. It would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change. The proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14 and KDP8-11 of the SPD.

6 – Representations: No representations were made.

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: **2022/90408**

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan.

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 Policy LP24 of the Kirklees Local Plan and principles contained in the adopted House Extensions and Alterations SPD.

4. The side-facing window in the southern elevation of the proposed extension shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing 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), windows of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and principles contained in the adopted House Extensions and Alterations SPD.

5. 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the extension at any time.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees

Local Plan and principles contained in the adopted House Extensions and Alterations SPD.

NOTE: There is the potential for a bat roost to 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
Application form			07-Feb-2022
Site plan	21-D13-01-2006		24-Feb-2022
Existing and proposed plans and elevations	21-D13-01-2003	C	03-May-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 Planning 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 so that the impact on neighbouring dwellings could be assessed more accurately but did not request changes to the design of the extension.

Report Dated: 10-May-2022