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:	**2022/62/90498/W**
Site Address:	27, Benomley Crescent, Almondbury, Huddersfield, HD5 8LT
Description:	Demolition of conservatory and erection of single storey rear extension
Recommending Officer:	Lucy Taylor

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: 16-May-2022

Officer Report.

Reference: 2022/90498

Location: 27, Benomley Crescent, Almondbury, Huddersfield, HD5 8LT

Proposal: Demolition of conservatory and erection of single storey rear extension

Site Description.

27 Benomley Crescent is a two-storey semi-detached property located in Almondbury, Huddersfield. The property is faced in red brick and pebble-dash render, with a hipped roofing form infilled with tiles. To the rear, the property benefits from a conservatory. Within the wider curtilage, the property benefits from rear garden amenity space and on-site parking amenity space to the front and side elevations.

Within the wider streetscene of Benomley Crescent, there is a strong sense of similarity established. This is because all of the properties are semi-detached in their construction style and faced in matching exterior construction materials.

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension.

The existing conservatory to the rear of 27 Benomley Crescent will be demolished to facilitate the erection of the proposed single storey rear extension.

The proposed single storey rear extension will project 3.5 metres from the rear elevation of the host dwelling and have a width of 5.4 metres. The maximum height of the extension will be 4 metres, with an eaves height of 2.8 metres.

The extension will be faced in red brick, block and render, and it will have a lean-to roofing style erected above, infilled with red concrete roof tiles.

With regard to fenestration detailing, two small windows are to be erected to the rear elevation and one small window is to be erected to the eastern side elevation. The small window to the eastern side elevation will be obscurely glazed. In addition, two small velux windows are proposed to be erected within the lean-to roof. All of these forms of glazing will be framed in UPVC.

A access door is to be erected to the eastern side elevation of the extension, this will be raised from ground level by 0.85 metres. In turn, an external staircase will be erected in conjunction with the door to facilitate access to and from the extension and external amenity space. The staircase will have accompanying balustrade.

Within the interior of the dwellinghouse, the extension will function as a garden room, bathroom and utility.

History of Negotiations.

The case officer sought amended plans to ensure that the proposed single storey rear extension complied with the design requirements of the Council's adopted House Extensions and Alterations SPD.

The applicant did not submit amended plans, instead, the following written justifications were submitted:

- The conservatory that is already there has been stood for 20+ years, the footprint of the proposed extension is the same.
- Previous applications submitted at neighbouring properties project out to the same extent and are not separated from the adjoining neighbouring properties by 1 metre.
- There has been no objections from any neighbours.

Therefore, the overall determination of this application is based on the original plans submitted 14 February 2022, as well as the justifications provided by the applicant.

Relevant Planning History.

No relevant planning history at the application site.

To neighbouring properties:

- **2009/90401** – 31 Benomley Crescent – Erection of single storey extensions. *Granted permission in 2009.*
- **2015/92013** – 23 Benomley Crescent – Certificate of Lawfulness for proposed erection of single storey rear extension. *Granted in 2015.*
- **2020/94198** – 38 Benomley Crescent – Erection of single storey rear extension and alterations. *Granted in 2021.*
- **2021/90439** – 29 Benomley Crescent – Erection of single storey rear extension. *Granted permission in 2021.*

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 23 March 2021 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/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).

The application site is Unallocated in the Kirklees Local Plan. The site falls in an area with a known presence of bats and is also in an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design

Supplementary Planning Documents:

- House Extensions and Alterations SPD

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

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, together with Circulars, Parliamentary 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, Coastal Change and Flooding

Assessment.

The following matters that will be considered as part of the assessment of this proposal are set below. These considerations will be looked at in detail individually:

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 application site is without notion in the Kirklees Local Plan.

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy 1 of the Kirklees Local Plan declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

LP1 goes further and States: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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".*

In this instance, it can be stated that the principle of development of this application is acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (Achieving Well-Designed Places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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.

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 and Alterations SPD seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD further states that 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 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
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Although the proposed rear extension to 27 Benomley Crescent does not conform with every criteria of the House Extensions and Alterations SPD as set out above, the applicant has submitted several written justifications detailed within the 'History of Negotiations' section of this report which will be taken into account in the consideration of this application.

The proposed rear extension to 27 Benomley Crescent is to replace the existing built form of the rear conservatory, to be erected in the same position and of the same projection.

The proposed rear extension is subservient to the host property as a result of its single storey height and the use of harmonising exterior materials. In addition, the erection of a lean-to roofing form with a shallow eaves height,

further works to reduce the potential of any undue bulking/massing from the extension following it's erection.

The proposed rear extension will reduce the extent of glazing to the rear of the host dwelling, with the proposed windows and access door in keeping with the architectural design of the host dwelling. The proposed small velux windows are considered to be sympathetically designed.

In turn, it can be concluded that the extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the dwellinghouse.

Within the wider streetscene, several neighbouring properties have erected, or been granted permission to erect, single storey rear extensions similar to that proposed at 27 Benomley Crescent. This includes the adjoining neighbouring property of 29 Benomley Crescent and the adjacent property of 38 Benomley Crescent. Whilst some weight can be afforded precedent it is considered the fact neighbouring properties have undertaken similar development is a factor which is afforded little weight in this case.

Notwithstanding this conclusion, the overall visual impact of the proposal is not considered to be of significant detriment to the locality, the extension is 0.5m away from the boundary and 2.8m in height to the eaves (the SPD recommends 1m and 2.5m respectively). Given the element adjacent to the boundary is the shared boundary to the neighbouring property it is considered there would be little design benefit in this element being pulled a further 0.5m away.

The proposal has a projection of 3.5m (rather than 3m recommended within the SPD). The proposal would replace a structure with a 3.5m projection already, as such, given a structure of this projection is already in place, which could remain in place in any event, it is considered it would not be reasonable in this case to insist upon the projection to be reduced to 3m.

The floor levels of the host property are such that an additional 0.3m to the eaves is required in this case. It is considered it would be unreasonable of the LPA to refuse permission on the basis it would not achieve the recommendations in the adopted SPD in this case.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

2. Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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. Principle 16 goes requires that proposals maintain appropriate storage arrangements for waste.

The proposal would see the retention of a functional amenity space and is not considered to be overdevelopment. There would be no impact to the current waste storage arrangements for the property.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 25 Benomley Crescent and No. 29 Benomley Crescent, as well as No. 32 Benomley Drive to the rear. It is considered that the proposed single storey rear extension would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 25 Benomley Crescent – this property is located to the east of the application site.

Given the single storey nature of the proposed rear extension to 27 Benomley Crescent, and a seperation distance of 2 metres from the shared boundary, the proposed works are not considered to result in undue levels of overbearing or overshadowing for the occupiers of 25 Benomley Crescent.

In addition, only one obscurely glazed window is proposed to the side elevation facing this neighbouring property, leading to the conclusion the extension will not be to the detriment of neighbouring privacy through overlooking. It is important to note that the extent of glazing will be reduced as a result of replacing the existing conservatory with this proposed rear extension.

Furthermore, boundary treatment is in place between these two neighbouring properties, in the form of wooden fencing, further working to mitigate any potential impacts of development.

No. 29 Benomley Crescent – this property adjoins the application site to the west.
Given the single storey nature of the proposed rear extension, and a seperation distance of 0.5 metres from the shared boundary, it is concluded that the proposed development to 27 Benomley Crescent will not result in

undue overbearing or overshadowing for the occupiers of No. 29 Benomley Crescent. In addition, the lean-to roofing style and shallow eaves height further works to ensure this is the case.

Sunlight calculator software has been used to evidence that any potential of overshadowing is limited to before 9:30am in the summer, with little potential of additional overshadowing in the winter.

No glazing is proposed on the side elevation facing this neighbouring property, and the extent of glazing will be reduced as a result of replacing the existing conservatory with this proposed rear extension. The proposal is therefore not considered to significantly overlooking this neighbouring occupier.

Boundary treatment is in place between these two neighbouring properties, in the form of tall wooden fencing, further working to mitigate any potential impacts of development.

No. 32 Benomley Crescent – this property is located to the south and overlooks the rear of the application site.

Given the principle of development proposed to 27 Benomley Crescent and a seperation distance of 8.7 metres from the shared boundary, the extension will not significantly impact the occupiers of No. 32 Benomley Crescent with regard to overbearing and overshadowing.

In addition, the extent of glazing to the rear elevation will be reduced as a result of replacing the existing conservatory with the proposed rear extension; meaning that the works do not present an increased impact upon neighbouring privacy with the potential of overlooking reduced.

For these reasons, the proposed development at 27 Benomley Crescent is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6, 7 and 16 of the Council's adopted House Extensions and Alterations SPD.

3. 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.

The proposed development will not increase the domestic function of 27 Benomley Crescent, nor will it alter the existing parking arrangements on site

or access to and from the adjoining highway, therefore, the proposal is considered to be acceptable from a highways safety perspective.

In turn, erecting the proposed rear extension at 27 Benomley Crescent would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4. 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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats

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 lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.
In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

6. 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: **2022/90498**
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 Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6 and 15 of the Council's adopted House Extensions

and Alterations SPD and policies within Chapters 2, 12 and 14 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 and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies 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.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	Existing Plans and Elevations	-	14.2.22
Proposed Plans and Elevations	Proposed Plans and Elevations	-	14.2.22
Location Plan	-	-	14.2.22
Site Plan	-	-	14.2.22

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. No amendments were submitted, the applicant submitted a set of written justifications in line with the Council's House Extensions and Alterations SPD.

Report Dated: 13.5.22