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:	**2022/62/90559/W**
Site Address:	20, Campinot Vale, Slaithwaite, Huddersfield, HD7 5EY
Description:	Erection of single storey rear extension
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: 05-May-2022

SITE DESCRIPTION – 2022/90559

20 Campinot Vale, Slaithwaite is a semi-detached property within a residential development of similar style properties, located within a small cul-de-sac. The property is built from artificial stone with a concrete tiled roof.

The property has been extended with a front porch and the garage converted to create additional living accommodation.

The property is on a sloping site with the rear garden sloping up away from the house with raised decking at the top of the garden.

The property is also within close proximity to Slaithwaite Cricket ground.

DESCRIPTION OF PROPOSAL

The application is for the erection of a single storey 'L' shaped extension to create a new sitting area and enlarge the existing kitchen.

The measurements of the proposal are as follows:

- 2.6m in projection reduced to 1.5m on the boundary with the attached neighbour
- 6.3m wide, the full width of the rear elevation.
- 2.34 & 2.8m in height to the eaves; 3.4m in overall height with a lean-to roof.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F90559

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

2011/90079 –Erection of porch and replacement of garage door (garage conversion) – CFP
Condition 4 – permitted development rights removed for additional windows & doors.

89/04371 – Residential development for 25 Houses – Granted Conditionally.
Condition 10 – permitted development rights removed for fences & walls to the front of the property.
Condition 15 – permitted development rights removed for all extensions within the redline
Reason – to prevent overlooking adjoining properties.

PUBLIC/MEMBERS RESPONSE

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 the 1st April 2022, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan and falls within an area with a known presence of bats.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **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, 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, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (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.

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

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 NPPF.

Policy LP1 goes on further to stating that “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. 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

now 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."

In Section 5.1 followed by 5.2 of the Supplementary Planning Document refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

In Section 5.6 of the Supplementary Planning Document specifically refers to single storey rear extension which 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.

When assessing the impact of overshadowing on neighbouring properties, with regards to rear extension built close to the shared boundary with its neighbour, section 4.17 of the Supplementary Planning Document states the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent

property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

Principles 1, 2 and sections 5.1, 5.2, 5.6 & 5.17 are relevant to the consideration of the principle of the development, visual amenity and residential amenity and are considered within the following report.

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.

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 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 Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposal will enlarge the property to the rear, creating a single storey extension. The proposed works will not be clearly visible from the highway, albeit the roof in part will be seen from the side along the boundary of No.24, however, it will be at an acceptable distance and therefore will not harm the appearance of the street scene.

The extension has been designed to reflect the host property with regards to the roof design and would be built from matching materials, is single storey and will remain subordinate to the host building.

The proposal would not significantly reduce amenity space for the occupiers of the host property and is considered to therefore accord with Principle 7 of the House Extensions SPD in this regard.

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 and 7 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within 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, 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.20 has two side neighbours; the attached no.22 Campinot Vale and the detached no. 18 Campinot Vale and no. 26 Campinot Vale to the rear.

Impact on No.22

No 22 is the attached neighbour where the Key design principle No.5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension.

In this instance, the agent has submitted a diagram which shows that the extension would comply with the 45-degree rule with respect to the neighbour's window in no. 22. Therefore, given the extension is single storey with no side windows, the extension wouldn't have an impact on these neighbours with regards overlooking, overbearing or overshadowing. This takes into account the fact that it does not provide 1m to the boundary of the property as set out in the SPD. The demonstration that it does not flout the 45 degree line, and the limited projection of this part from the rear elevation of the property leads to the conclusion that this neighbouring property would retain a good standard of amenity.

Impact on No.18

No 18 is set further forward in the plot compared to No 20, resulting in No's 18 rear elevation being almost in line with the front elevation of No 20, therefore, the single storey rear extension which is set in from the shared boundary of this property, wouldn't have an impact on these neighbours with regards overlooking, overbearing or overshadowing.

Impact on No.26

No 26 is located to the rear of the property where their gable faces the application site and is at a higher level. Therefore, given the difference in levels and the separation distance of approx. 10m with no direct facing

windows, the rear single storey extension wouldn't have an impact on these neighbours with regards overlooking, overbearing or overshadowing.

The property is also within 5m of Slaithwaite Cricket pitch, with the neighbours garden separating the property from the boundary. Within the cricket field there are movable nets to prevent ball strikes. Therefore, given the separation distance it is unlikely there will be any detriment and the potential for additional ball strikes in this case, given the size of the proposed extension and the blank flank wall.

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 Policy LP24 of the Kirklees Local Plan, principles 3, 5 and 6 Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the NPPF

Impact on highway safety:

Policy LP22 of the Kirklees Local Plan, and Key Design Principle 15 of the adopted House Extensions & Alterations SPD seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the parking arrangement is unchanged and spaces for 2 cars can be achieved and albeit additional accommodation is being created this is unlikely to create additional parking requirements.

It is therefore concluded the proposal meets 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.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. 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 is single storey and will not connect into the existing roof of the host property.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: **2022/90559**

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 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 LP01, LP02 & LP24, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, and 12 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, the adopted SPD on House Extensions and Alterations and Policy within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing & proposed layout & elevations / Block Plan 1:500 / Location Plan 1:1250	21 J53. 01.A	24.2.22

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 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 did not

undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:	5.5.22

Coal – none