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:	**2022/62/90642/W**
Site Address:	22, Dorchester Road, Fixby, Huddersfield, HD2 2JZ
Description:	Erection of first floor extension above existing garage
Recommending Officer:	Tom Hunt

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: 07-Jun-2022

Officer Report

Site Description

2022/90642 – 22, Dorchester Road, Fixby, Huddersfield, HD2 2JZ

The application site relates to a large detached two-storey dwelling. It is faced in stone to ground storey and pebble dashed render finish mostly to first floor storey with varying roof forms at different pitches and styles. It benefits from an attached brick garage which appears to be original, had been extended to the rear with an older two-storey extension and another extension to the northeast of the garage.

It has a front amenity space bounded by a low brick boundary wall, a driveway leading to its garage and a large lawned garden to the rear. It sits within a residential area with properties similarly sized and detached of a mix of architectural styles benefiting from street trees and hedging delineating flank boundaries.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. Green Belt land is to the north. Permitted Development Rights are retained.

Description of Proposal

Erection of first floor extension above existing garage

The proposed first storey extension would be erected above an existing attached garage and would have a hipped roof set down from the middle section of the primary elevation by 0.4m. The dimensions would be:

5.3m projection from the northeast side elevation x 4m depth and an overall roof ridge height of 7.6m and eaves of 6m measured from ground level.

To the rear, the first-floor extension would fall short of the rear elevation of the garage and would have a lean-to roof ridge height of 4.15m and existing eaves at 3.15m.

It would be finished in render to match the host with the ground storey unchanged and roofed with the same tile as host. This would serve an ensuite dressing room. It would have openings to the front and rear elevation.

The garage to ground floor would be sub-divided internally. No designation has been appended to the rooms at ground floor.

No other alterations to the existing property are set out in plans.

History of negotiations/amendments received

The case officer considered the application on review and sought to have two windows to the primary elevation aiding in good design with a balanced window/wall ratio.

Relevant Planning History

No previous planning applications for this site.

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: 08/04/2022

No representations have been received. The amended scheme with an additional window to the primary elevation serving an en-suite dressing room (a non-habitable room) was not re-advertised due to there being a separation distance of 29.7m to the garage and 32m approximately to habitable windows of the opposite neighbouring property known as No. 25 exceeding minimum separation distances required (12m between non-habitable room windows to habitable room windows and 21m between habitable room windows to habitable room windows) within Principle 3: Privacy in the House Extension and Alterations SPD. It was assessed that there would be no material change in impact from one large window to two small windows as a result of this amendment.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan. It is within a Bat Alert layer and a Low Coal Risk Area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**

Supplementary Planning Guidance:

- House Extension and Alterations SPD
- Highways Design Guide 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 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 6 – Building a strong, competitive economy
- 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

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 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."

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

The House Extension and Alterations SPD sets out that first floor side extensions should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

The first floor side extension would project from the middle section of the host building appearing to balance the west wing while having its roof ridge set below the middle section’s gable end roof aiding good design and subservience. Viewing the overall host property, it would still be viewed as visually smaller than the host when compared with the higher roof ridge heights of the west wing. It would be set back from the primary elevation and in line with the existing garage to be a subservient addition and retain some visual depth to the host’s primary elevations. Whilst there is a variation of roof forms, it would replace a pre-existing hipped roof style another hipped roof form in a fashion that is complementary to the host’s gable end’s pitch aiding in being in keeping with the original host. The primary elevation would have two windows to the first floor which would balance again the west wing’s two windows and have an appropriately designed window to wall ratio. The first floor extension would also be 4m to the boundary line of the neighbouring property and be screened by the vegetation/hedging present ensuring that there would be no terracing effect.

Existing examples of similar schemes demonstrate that the proposed would have little visual impact on the streetscene with properties in the area having varied architectural designs with extensions. The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the ‘House Extensions and Alterations SPD’.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to the House Extension and Alterations SPD and Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 24 (southwest), No. 20 (east) and No. 25 (southeast).

No. 24
The first floor extension would be blocked off from No. 24 being screened by the host dwelling and would not contribute to detrimental overbearing, overshadowing or overlooking impact.

No. 20
With regard to No. 20 to the east, the proposed would have no windows facing (and there appears to be no windows in the corresponding gable facing the application site), be screened by trees and high hedging and would have a separation distance of 4m to the shared boundary, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 25
The relationship between the properties considering the separation distance of 29.7-32m to windows north of No. 25 exceeding minimum standards set out in Principle 3 of the House Extension and Alterations SPD would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.
For a 4 plus bedroom dwelling, it should have three off street parking spaces. The garage is 4.2m by 4.2m and would not be considered to supply sufficient

internal dimensions for the parking of modern vehicles under the Highways Design Guide, as such the subdivision of the garage would not result in the loss of parking spaces and be considered of neutral impact. The property benefits from a retained driveway with sufficient off street parking for three vehicles complying with highway safety and LP21 and LP22 of the Local Plan.

5 – Other matters:

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, the House Extension and Alterations SPD KDPs 8-11 and guidance documents to embed the climate change agenda.
Due to the limited nature of the development proposed and the non-habitable accommodation provided, it is not considered that specific mitigation measures are required to facilitate this development. The modern Building Regulations would ensure that the first floor extension would have improved insulation and energy efficiency standards which would be of benefit to the host building and reduced energy usage.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals would see the removal of an existing well-sealed roof 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.

KDP 12 of the SPD states that extensions should consider how they might contribute towards the enhancement of the natural environment and biodiversity. This follows on from Policy LP30 of the Local Plan. In this case it is considered that this could be achieved by the provision of a bat roost during the period of construction. A prescriptive condition to this effect is recommended.
6 – Representations:

No representations had been received.

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: 2022/90642

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 to accord with Policies LP01, LP02, LP21, LP22, LP30 and LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the first-floor 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, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

4. One bat box shall be incorporated into the extension hereby approved; the box shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light on the south elevation at least 4 metres above ground level. The bat box shall be provided prior to first occupation of the extension hereby approved and thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 12 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
Plans – Location Plan	Location Plan. Revision: -.	-	28/02/2022
Plans – Proposed Site/Block Layout	Proposed Block Layout. Revision: -.	-	28/02/2022

Plan Type	Reference	Version	Date Received
Plans – Existing Elevations	Existing. Layout ID: A.04. Revision: -.	-	22/02/2022
Plans – Existing Floor Plans	Existing Floor Plans. Drawing Name: Ground Floor, Story. Revision: -.	-	22/02/2022
Plans – Existing Floor Plans	Ground Floor. Layout ID: A.01.1. Revision: A.	A	26/05/2022
Plans – Grouped Plans and Elevations	Ground Floor, Story, IMG_7644. Layout ID: A.04. Revision: B.	B	26/05/2022
Plans – Grouped Plans and Elevations	North Elevation, South Elevation, West Elevation. Layout ID: A.03. Revision: B.	B	26/05/2022

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. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme was well designed with additional windows to balance the host building's fenestration detail.

Report Dated: 07/06/2022