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:	**2022/62/90725/W**
Site Address:	4, Dorchester Road, Fixby, Huddersfield, HD2 2JZ
Description:	Erection of single storey rear extension with raised patio and rear dormer extension with balcony
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.

Stuart Howden

AUTHORISED OFFICER

Date: 31-Oct-2022

Officer Report

Site Description

2022/90725 – 4, Dorchester Road, Fixby, Huddersfield, HD2 2JZ

The application site relates to a two-storey, detached property constructed of stone and finished with cream render to the first storey with a steep hipped tile roof. It sits in a relatively large plot approximately L shaped with its front amenity space being landscaped and hard surfaced with a driveway serving two integral garages. There are mature trees within the front amenity space. To its rear are very large lawned/landscaped gardens with one side adjacent to the A641 and a wooded area with group TPO ref: 17/98/g1 and two more TPOs to the far northwest corner. Adjacent to the rear elevation there is a raised platform area and small raised platform area.

The site is located in a residential area with the vicinity comprising properties of range of character styles and designs. The properties within the local area are constructed in a range of materials including stone and render.

The site is not within a Conservation Area, not a Listed Building or affecting the setting of a listed building. The rear of the site is within the Green Belt, but the dwelling and footprint of proposed development is not.

Description of Proposal

Erection of single storey rear extension with raised patio and rear dormer extension with balcony

<u>Rear single-storey extension</u>
It is intended to erect a single storey extension to the rear comprising of two elements.

Section A will project 4.5m and be ~5.0m width. This would serve a games room. There would also be a canopy roof beyond this.

Section B will project 6m and be 8.4m width. This would serve an open plan living room/kitchen/dining area.

The rear extension, therefore would have an overall width of~ 13.4m thereby covering the width of the whole rear elevation. The extensions would be flat roofed at a height of 2.75m from ground level at the SW Elevation. The extension would have sliding doors to the rear and three roof lanterns overall. There would be aluminium sun canopy roofs in black forward of the rear elevation projecting 1.75m from Section B and 3.25m from Section A; they would be set below the eaves of the extension ~3.0m in height from ground and recessed within the width of the extension.

The materials proposed are timber effect composite cladding in black to the northeast elevation with a thick black GRP flat roof finish to frame the

extension. The extension would be otherwise mainly glazed with k-render to walls to match the host dwelling at the rear.

Patio
The rear extension would have hard surfacing provided by two tiers of a raised patio which would extend out ~4.25m from the new rear elevation and form a width of ~17.5m and a maximum range of ~0.8m - ~0.9m height from ground with access from the extension.

The patio would be bounded by frameless glazed barrier approximately 0.6m height spanning the northeast boundary of the patio. There would be external steps to the lower ground of the garden.

Rear Dormer and Balcony
A flat roofed dormer would be installed 4.3 width and 2.4m height extending 2.5m from the roof plane. The roof would have a 0.3m overhang to the rear and 0.15m overhang to the flank elevations.

A balcony would serve this dormer and its bedroom with a glazed barrier all set within the cheeks of the dormer. Materials proposed are zinc cladding to the dormer with a 0.2m thick black GRP roof finish which would mirror the roof design of the single-storey rear extensions.

Other alterations
Plans do not indicate any changes to the flank or primary elevations.

Internally rooms will be reconfigured at ground floor and the roof would be altered to provide an additional bedroom (5th) and a dressing area and ensuite.

Parking and bins
They will remain as existing.

History of negotiations/amendments received

The case officer considered the application on review and had the proposal reduced to achieve a more sensitive design for visual amenity

Relevant Planning History

2018/91788 – Erection of single storey rear extension, two storey side extension and dormer extension to rear. Conditional Full Permission. Permitted Development Rights were removed in 2018/91788 for new openings in the external walls of the north eastern side elevations of the extension, but this permission does not appear to have been implemented and therefore this permission appears to have expired

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: 11/04/2022

No representations have been received.

The amended plans were not readvertised due to a reduction in mass and no additional detrimental changes to impact residential amenity.

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. The proposed development is not within the Green Belt however part of its rear outside amenity space is.

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
- LP 30 – Biodiversity & Geodiversity
- LP 51 – Protection and improvement of local air quality

Supplementary Planning Guidance

- 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 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 2 – Presumption in favour of sustainable development

- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable travel
- 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
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan however a section of the rear garden is within the Green Belt. As the development is not proposed in the Green Belt, policy relating to this is not considered relevant in this case. Policy LP1 of the KLP 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. Policy 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 LP24 of the KLP is also relevant and states that *"good design should be at the core of all proposals in the district".*

In this case, it can be stated the principle of development could potentially be acceptable subject to the assessment of other material planning considerations which shall be discussed below.

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.

Policy 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".

In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 13 – Vegetation and tree planting of the adopted House Extensions and Alterations SPD are relevant.
Section 5 of the House Extensions and Alterations SPD provides advice on specific extensions and alterations, with Section 5.1 relating to rear extensions. This goes onto note that:

"*Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:*

- *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.*

As a general rule, a rear extension should:

- *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;"*

The guidance goes on further to note that a single storey rear extension 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 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.

The proposed extension would not meet normal projection guidelines for a detached dwellinghouse however the SPD advises that under paragraph 5.9, this could be accepted and justified when it is in keeping within its locality. The proposal seeks to have a large rear extension to a large, detached, two storey house, screened by existing green boundary screening within the context of a generous garden and subservient to its host building. The proposal would therefore be viewed as somewhat proportionate to the host and within its garden setting. In the wider locality, properties are of varying large sizes, architectural styles and material palettes so the proposal would be in keeping with the character of the area and not detrimentally impact on the streetscene.

The modern architectural style of the proposed extension would be simple with materials and details in its timber effect cladding, glazing and clean lines

aiding in the extension to be viewed as a modern addition to the host, harmonised with the use of render to match. It would still retain a gap of at least 1m to the flank property boundaries and preserve a sizeable garden to avoid overdevelopment of the site. The patio would be simply detailed with perimeter glazing to form a permeable design that integrates with its host's render in use of similar colour and clean lines of the rear extension. On balance, for these reasons, the proposal for a rear extension with patio would be acceptable.

Section 5 of the House Extensions and Alterations SPD relates to dormers and states that dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The proposed flat roofed rear dormer with a balcony area would be large however this is seen in the context of its large host building and could be partially carried out under Permitted Development Rights if it had not the balcony included. This aspect of the proposal is also to the rear of the site so it would not be highly visible from the public domain. Advice given in the SPD states that balconies should be screened for privacy, sited away from sensitive areas and not to impact on the local character under paragraph 5.28. The proposal would have privacy walling as part of the dormer design (a residential amenity issues) and sited to the rear screened by the bulk and massing of the host roof to aid in the scheme being of minimal impact to the varied character of its locality. The materials and details of the dormer would harmonise with the rear extension aiding in a cohesive development for the house.

Given the above, Officers consider that the overall proposal would not cause detrimental harm to the visual amenities of the area and accords with Policy LP24 of the Local Plan, Chapter 12 of the NPPF and guidance within 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 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.*"

In addition, the adopted 'House Extensions and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light, Principle 7 – Outdoor

space, Principle 6 – Preventing overbearing impact, and Principle 17 – Access for all users.

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. 6 (southwest) and No. 2 (northeast).

The proposal would have a single-storey rear extension with patio and balcony. The raised platform of the patio would be at most 1m from the ground however this is to be viewed in the context of the sloping garden where ground levels fall to the northwest, serving to replace and extend a similar patio. The green screening and trees to the flank boundaries facing away from the neighbouring properties are to be retained to ensure that no additional detrimental impacts on overlooking or loss of privacy result.

In addition, the zinc walling of the balcony/dormer would serve to direct views solely to the host garden, with the zinc walling conditioned as solid without openings, the proposal would avoid overlooking or loss of privacy to the neighbours. The dormer would be northwest and northeast of its neighbours, partially screened by the host roof's bulk and massing, privacy screen and being approximately 7-10m to the property boundary to avoid undue impacts on overlooking overshadowing and overbearing to its neighbours.

Future Occupiers

With reference to Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in accordance with LP24b and the principles relating to residential amenity of the House Extension and Alterations SPD.

<u>4 – Impact on highway safety</u>:

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 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking.

Bin arrangements will likely remain as existing.

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 proposed development would not adversely affect the existing supply of off-street parking spaces within the site remaining (with at least 3 parking spaces being clearly on site) therefore the proposal is not considered to cause additional harm to highway safety.

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 and guidance documents to embed the climate change agenda.

In addition, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 10 – Renewable energy, Principle 11 – Water retention, Principle 14 – Drainage and flood risk of the adopted 'House Extension and Alterations SPD' is relevant.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, and the increased daylighting through rooflights/glazing, the proposal would be of some benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.

Biodiversity

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a 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.

Given the nature of the proposal, a relatively modest householder development it is not considered necessary to request biodiversity enhancements in this instance.

6 – Representations:

No representations have 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: 2022/90725

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 LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the single-storey rear 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 and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The external flank walls of the dormer rear extension hereby approved shall be clad entirely in solid zinc cladding and retained thereafter.
Reason: In the interests of residential amenity for overlooking and privacy to accord with Policy LP24 of the Kirklees Local Plan, Principle 3 and design guidance set out in paragraph 5.28 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 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
Existing Site Plan, Floor Plans, Elevations and Location Plan.	A(00)-01	-	01/03/2022
Proposed Site Location Plan, Floor Plans, Elevation Plans and 3D Impressions.	A(10)-01	B	17/10/2022

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 reduce the bulk and massing of the rear extension to ensure the scheme minimised the impact on its host and to the streetscene.

Report Dated: 18/10/2022