

**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:	2022/62/90738/W
Site Address:	8, Oaklands Drive, Dalton, Huddersfield, HD5 8PR
Description:	Erection of two-storey side extension and associated alterations
Recommending Officer:	Hubert Lam

DECISION – Conditional Full Approval

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: 30-May-2022

Officer Report

2022/90738 – 8 Oaklands Drive, Dalton, Huddersfield, HD5 8PR

Site Description

The application site is within the residential area of Dalton, mainly characterised by two storey semi-detached dwellings relatively similar in form, accessed from Oaklands Drive to its southeast which forms a cul-de-sac leading northeast onto the main road of Oaklands Drive.

The host property is a two-storey semi-detached dwelling constructed in brickwork and render under a tiled roof, with the external walls partially finished in white render on the front (southeast) elevation on the first-floor level and brick red render on the side (northeast) and rear (northwest) elevations. There is a single storey garage under a flat roof that protrudes from the side wall of the existing dwelling, with a private drive to the front of this. The property benefits from front and rear garden area. The property adjoins the two-storey semi-detached property 10 Oaklands Drive on its southwest.

Description of the Proposals

The application seeks planning permission for the proposed erection of a two-storey side extension, and associated external and internal alterations, to create 1no utility room, 1no toilet and a kitchen extension on the ground floor, and 2no new bedrooms on the first floor. The extension would result in the removal of the existing garage to the side of the dwelling and would be flush with the rear and front walls of the main body of the dwelling. It would protrude from the side wall by approximately 3.2 metres. It would have an eaves height similar to that of the existing dwelling, but a lower ridge height.

Planning History

None.

Representations

The application has been advertised by neighbour notification letters. Final publicity expired 4th May 2022.

Consultee Responses

None.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

The application site is within a Bat Alert Area, and a Coal Advice Low Risk Area. The most relevant Policies for consideration in this case are:

Kirklees Local Plan (2019)

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality

Supplementary Planning Documents (SPD):

House Extensions and Alterations SPD: 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, the wider street scene, and the amenities of neighbouring residents. Kirklees Highways Design Guide SPD (2019)

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** – Achieving Sustainable Development
- **Chapter 4** – Decision Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Appraisal

Principle

The site is without notation on 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, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places...”

In line with the NPPF, Policy LP1 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.”

Policy 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.”

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

Visual Amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, 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. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

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.

Paragraphs 5.19-5.22 of the Kirklees House Extensions and Alterations SPD specifically relates to two-storey and first-floor side extensions, and is worded as follows:

“5.19 Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

5.20 Two-storey side extensions should: not take up all or most of the space to the side of a house; maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and be set back at least 500mm from the front wall of the house.

5.21 Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close

the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street...

5.22 Two-storey and 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 proposed two-storey side extension would project ~3.2m from the existing side (northeast) elevation of the main house and have a length of 8.1m aligning with the existing rear (northwest) elevation of the main house, and an overall height of 6.6m with a hipped roof section stepped down from the existing main roof by 370mm at the ridge. The proposed front elevation would have a first-floor level stepped back 600mm and a canopy section on the ground-floor level continuing that on the existing main house along its front, so that it is flush with the front wall of the existing dwelling.

The proposed openings would include 1no new inset window on proposed the first-floor front elevation; 1no inset window on the ground-floor and 1no inset window on the first-floor level on the proposed rear elevation; and 1no inset window with top opener and obscure glazing on the ground floor level and 1no inset fixed window with obscure glazing on the proposed side (northeast) elevation.

The finishing materials would be in-keeping with those on the existing house, with red brick on external wall of the proposed ground-floor front elevation, a white rendered finish on the first-floor level front elevation, and red brick coloured render on the proposed side (northeast) and rear (northwest) elevation.

Whilst it is acknowledged that the proposed roof ridge would be stepped down from that of the existing building and would have a width roughly half of this dwelling, the front elevation would align with the existing front elevation of the main house and therefore the extension could not be said to be truly subservient to the main house. Whilst this is unfortunate, the neighbouring dwelling forming part of the same semi-detached building has been extended to its side by two storeys and this does not have a set back from the front elevation and has an eaves ridge height similar to that of the existing dwelling. In this context it is considered that it would be difficult to resist such an extension, especially given that it would be subordinate in width to the main dwelling and would incorporate the detailing of the existing house.

Furthermore, as advised in the SPD, a gap of 1 metre with the side boundary would be retained. It is considered that the extension would not appear cramped on the site given this gap and this distance to the dwelling at the north east (No.6)

As such, subject to condition requiring matching materials and finishes of construction to a consistent external appearance, the proposal is acceptable in terms of design and visual amenity and would accord with Policies and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Residential Amenity

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.

Policy LP24 of the Kirklees Local Plan and 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, 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 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property. Paragraph 5.16 of the House Extension and Alterations SPD notes that side extensions should maintain the quality of the environment for neighbours by: *"Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and Positioning windows to minimise or avoid any potential overlook into neighbouring gardens."*

Whilst it is acknowledged that the proposed two-storey side extension would be in the vicinity of the curtilage boundary to its side (northeast), which adjoins the rear gardens of 2, 4, and 6 Oaklands Drive, the proposed extension would not project further from the side (northeast) elevation of the main house than the existing adjoining garage, and would not protrude beyond the rear wall of this dwelling. The separation between the proposed extension to the nearest neighbouring main house 6 Oaklands Drive would be ~12 metres (to the conservatory of No.6), whilst being ~15 metres to the rear all of the main body of No.4 and No.6. The SPD recommends a minimum separation distance of 12 metres between windows of a habitable room that face onto windows of a non-habitable room. The proposed development would therefore just be in accordance with this guideline, and it is considered this distance would be sufficient to prevent undue harm to the neighbouring dwellings in terms of loss of outlook and loss of light. Whilst windows are proposed in the side elevation of the extension facing these properties, these are to be obscurely glazed and the first floor window can be conditioned as such so as to prevent detrimental overlooking into the gardens of No.4 and No.6, which would be adjacent to the side wall of this extension.

The extension would be close to the boundary shared with No.4 and No.6 and given its southern orientation to these gardens there is potential for overshadowing and it would somewhat overbearing these gardens. However,

given the overall depth of these neighbouring gardens, it is considered that such harm would not be unacceptable.

Given the orientation of No.2, it would not directly face this proposed extension and the relationship is considered acceptable so as to prevent undue harm in terms of loss of light, loss of privacy or the creation of an overbearing effect. Views from the rear window of the extension would be oblique ones of this garden which is considered acceptable.

The separation distance between the extension and property to the rear (15 Greenhead Lane) would be in accordance with guidance in the SPD. As the extension would not protrude beyond the rear or front walls of the existing dwelling, it is also considered that the proposal would not cause undue harm to the adjoining neighbour, No.10, in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

KDP 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The application site benefits from a relatively generous outdoor space in the form of its front and rear gardens, and the proposed extension would include the limited extension to the built-up ground footprint to the side not exceeding the existing rear elevation of the main house. As such, the proposal would clearly satisfy the requirement for at least 50% outdoor space within the residential curtilage being retained.

Due to its location, layout, orientation, separation, and overall configuration, it is considered that the proposed extension would not cause undue harm to the amenity of neighbouring properties. As such, the proposed extension would accord with Chapter 12 of the NPPF, Policy LP24 of the Local Plan, and the specific guidance on residential amenity as described by the Kirklees House Extensions & Alterations SPD.

Highways Safety

The proposal would increase the number of total bedrooms of the house from 3no to 5no with the creation of the 2no new bedrooms on the first-floor level. KDP 15 of the SPD recommends an on-curtilage parking provision of 3no for a 4 (or more) bedroomed property.

The block plans displays that the site would provide at least 3no on-curtilage parking spaces in the form of its front private drive / hardstanding area, but the dimensions of the spaces displayed are below what is considered acceptable for an external parking space (Kirklees guidance being a minimum of 5m x 2.4m— and it is considered that two spaces are more likely to be provided to the front. However, given the sustainable location of the site with access to frequent public transport and services and that two of the bedrooms are likely to form single bed bedrooms, it is considered that this is acceptable on balance and that the proposal is unlikely to result in adverse highways safety issues. The proposal is therefore considered to be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other Matters

Ecology and 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. Principle 12 of the House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of biodiversity. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst it is acknowledged that the site is located within an identified Bat Alert Area, the proposals are relatively modest in terms of overall scope and scale and would, and the dwelling would not be considered likely to host roosting bats. As such, subject to informative requiring works to cease and Natural England contacted in the event bats are discovered, the proposal would be considered acceptable in light of the aforementioned policy / legislation.

Carbon Budget

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.

The proposal could clearly be seen as an addition and alterations reflecting the continued and evolving use of the property as a residential dwelling, with the proposed materials and construction methods being energy efficient wherever possible and applicable and would therefore be appropriate in securing and safeguarding sustainability.

As the scope of the works proposed are relatively modest and would not introduce a significant environmental impact compared with that of the existing house and its associated outbuildings and structures, it is not considered reasonable to add any carbon budget / climate emergency related condition. The scheme therefore complies with the aims of policy LP24 of the KLP, KDP 8-11 of the SPD in promoting energy efficiency and sustainability, and Chapters

9 and 14 of the NPPF, which seek to promote sustainability and to support a low carbon future in development proposals.

Representations

None.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2022/90738

Officer Recommendation: Approval

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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 LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15 of the adopted SPD on House Extensions and Alterations and Chapters 2, 4, 9 12, 14 and 15 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 House Extensions and alterations SPD and Chapter 12 of the National Planning Policy Framework.

4. The proposed first floor window in the north east side elevation of the extension hereby approved shall be fixed shut unless parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and obscurely glazed (Level 3 or above), and retained as such thereafter.

Reason: In the interests of residential amenity of adjoining occupants at No's. 4 and 6 Oaklands Drive by reason of loss of privacy and to accord

with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, and 6 of the Kirklees House Extensions and Alterations SPD and Chapter 12 of the NPPF.

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.

Schedule of Plans and Specifications:-

Plan Type	Reference	Version	Date Received
Existing Plans and Location Plan	2022-003-20(001)		01 Mar 2022
Proposed Plans and Block Plan	2022-003-20(002)		01 Mar 2022
Application Form	-	-	01 Mar 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.