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:	**2022/62/90842/W**
Site Address:	40, Redwood Drive, Bradley, Huddersfield, HD2 1PW
Description:	Erection of single storey rear extension, conversion of garage to living accommodation
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-Jul-2022

Officer Report

Site Description

2022/90842 – 40, Redwood Drive, Bradley, Huddersfield, HD2 1PW

The proposal relates to a detached, two storey property with integral garage on Redwood Drive. It is faced with render, brick and concrete tile and benefits from a conservatory to the rear. It has a driveway sufficient for one car, soft landscaping to the front and a rear garden bounded by fencing. In addition, there is another grassed verge area with a driveway to the front of the property subdivided by a pathway. It is situated within a residential new build estate of similar materials and architectural styles.

Description of Proposal

Erection of single storey rear extension, conversion of garage to living accommodation

The majority of the proposal was previously approved in 2021/92213. The applicant wishes to alter the original proposal to have its 5m rear extension's formerly approved hipped roof to be gable end with the same ridge and eaves height.

The 5m rear extension would have its large picture window changed into two smaller windows with walling between.

The window to the garage approved would be made smaller.

The internal layout of the garage is to be changed from its approved study use to a utility room/storage.

Officer Note: The full description is included below however the matters for consideration are the above as the site benefits from extant planning permission and can carry out works with no material increase in ridge or eaves height or in projection. It is noted that the 2021 permission is prior to the House Extension and Alterations SPD being introduced.

It is proposed to erect a single storey rear extension removing a conservatory in the process.

A section of the rear extension would extend 3000mm and be 2250mm width with a lean to roof, an adjoining section would extend 5000mm and be 5000mm width.

The roof ridge height would be 3600mm and eaves at 2400mm. It would be faced in brickwork and roofed with concrete tile to match the existing.

Openings proposed would have windows to the rear elevations of the rear extension and double patio doors to the east elevation. To the roof, a velux skylight would be placed to the lean to roof and also 2no. to the west roof elevation of the gable projection.

This would serve a garden room and extend the repositioned kitchen. In addition, a new window opening would be placed to the west side elevation of the host building at the ground floor serving the dining room.

The integral garage with internal dimensions of 2300mm by 5400mm would be converted to a utility room and storage with the garage door to be bricked up to cill level and to insert a window frame. The property would have internal alterations to open up the dwelling at ground floor level.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

95/92019 – Erection of First Floor Extension. Conditional Full Permission.

2014/91201 – Erection of first floor extension. Conditional Full Permission.

2016/90462 **–** Erection of single storey rear extension and alterations to integral garage to form living accommodation. Conditional Full Permission.

2021/91539 – Prior notification for single storey rear extension. Refused.

2021/92213 – Erection of single storey rear extension, conversion of garage to living accommodation and alterations. Conditional Full Permission and extant.

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: 20/04/2022

No representations have been received.

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 High Risk Coal 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**
- **LP 30 – Biodiversity & Geodiversity**

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 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 (including any heritage considerations)
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. 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, Principles 1 & 2 of 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 "in keeping with the existing buildings in terms of scale, materials and details".

The proposal still benefits from extant permission, bar two changes to the external appearance. The window to the converted garage, change of window types to the rear extension and the change of roof form for the rear extension to gable end. All other matters are retained.

While it is proposed that the window is made smaller to serve a utility room, the impact of this on the local character and street scene and the host would be regarded as a minor change and could be done under Permitted Development Rights. It would not appear out of keeping with the streetscene remaining residential in character and to the host, and be compliant with Principle 1 and 2 of the House Extension and Alterations SPD.

The alteration to the rear extension window to become two smaller windows with vertical emphasis would be to the rear of the property and be screened by its neighbouring properties with no views from the streetscene. It would therefore not conflict with Principle 1 and would appear in keeping with the host aided by the matching frame and facing brickwork to accord with Principle 2 of the House Extension and Alterations SPD.

The change of roof form would not have a material increase in ridge and eaves height and would be screened from view by the western neighbour's own rear extension and have the ridge set away from the eastern neighbour's boundary by 5.8m approximately aiding in the visual impact of the gable end to be minor when compared to be slightly smaller visual bulk of the hipped roof previously approved. It would appear residential in style and still in keeping with the host considering that the host has a gable end feature to its

primary elevation. For these reasons, the proposal would accord with Principles 1 and 2 of the House Extension and Alterations SPD.
The proposal is therefore regarded as acceptable for permission in this regard as it would ensure that it would not significantly harm the visual amenity of the area and host and would accord with Policy LP24 of the Local Plan and Principles 1 and 2 of the 'House Extensions and Alterations SPD', to the extent this is material given the existing extant permission fallback.

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 Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light, 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. 65 The Green (north), No. 42 (west), No. 38 (east) and No. 2 Sickleholme Court (south).

Considering the impact of the change in window to two from the rear extension and the roof form to No. 65. This would have an increased quantity of windows set back 12m approximately to the rear boundary of No. 40's garden. This would offer a restricted view from a large window to being two narrow windows, it would not have any direct views into windows of No. 65 which would at its closest have a separation distance of 24.5m exceeding Principle 3 recommended minimal guidance on the separation distance between windows. The added bulk and massing of the roof form given its separation distance would also ensure that any impact is insignificant. For these reasons, Officers are satisfied that the amended changes would have no detrimental overlooking, overshadowing and overbearing impacts.

Considering impact to No. 42 which does not have windows to its side elevation, the roof form would extend outwards to match the rear extension of No. 42 and be to the east. The slight increase in bulk and massing of the roof form would not have any overlooking, overshadowing and overbearing impact. The previously approved window being changed into two matching the rear elevation of No. 42's rear extension would not impinge on the outlook of the neighbour and be compliant with retaining a 45° field of view to this neighbouring property in line with Principle 3 of the House Extension and Alterations SPD.

With regard to No. 38 and its own single storey rear extension, this would see a minor increase in the bulk and massing from hipped to gable and benefits from the ridge being set away 5.8m approximately to the west on a single-storey form. The small scale design change would not for these reasons offer any detrimental impact on overlooking, overshadowing and overbearing.

Considering how the change in garage window would affect No. 2 Sickleholme Court, the window would be smaller and set away from the property with an oblique view serving a utility room with a separation distance of 29.5m approximately. In addition, there would be no increase in bulk and massing. For these reasons, the minor alteration would ensure that there be no detrimental impact on overlooking, overshadowing and overbearing.

Bearing in mind potential impact on noise during construction and the scale of development proposed, a footnote has been included in the Decision to clarify and aid the applicant in ensuring that residential amenity is reasonably managed.

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 policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed alterations to the previous permission provided in 2021/92213 development would not adversely affect the existing parking spaces within the site considering that the internal garage is not compliant with Highway Design Guide internal garaging standards for modern cars. Further it would not intensify use adding bedrooms and therefore would not 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, this includes Key Design Principles 8-11 of the SPD.

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, the proposal would be of 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 and LP 33 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 with no further alterations to affect vegetation or trees. In addition it would have single storey extensions with no disturbance to the eaves of a modern build host dwelling 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.

Drainage

As previously assessed, the property is not within a flood risk zone and does not propose any changes other than previously given permission and therefore would be considered to comply with Principle 14 of the House Extension and Alterations SPD.

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: 2022/90842

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 and LP24 of the Kirklees Local Plan, Principles
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, 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.
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.

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 - Grouped Plans and Elevations	Dwg no. 02 existing	-	11/03/2022
Plans - Grouped Plans and Elevations	Dwg no. 01 and location plan	A	10/03/2022

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 considered the application on review and sought no amendments to the proposed assessing their minor impacts on visual and residential amenity.

Report Dated: 06/07/2022