

**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:	2022/62/90851/W
Site Address:	29, Moor Park Avenue, Beaumont Park, Huddersfield, HD4 7AL
Description:	Erection of single storey rear extension
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 15-Jun-2022

Officer Report.

Reference: 2022/90851

Location: 29, Moor Park Avenue, Beaumont Park, Huddersfield, HD4 7AL

Proposal: Erection of single storey rear extension

Site Description.

29 Moor Park Avenue is a detached bungalow located in Beaumont Park, Huddersfield. The property is faced in render and has a tiled hipped roof. It also benefits from a single storey rear projection and detached garage to side, both with a flat GRP roof. Within the wider curtilage, the property benefits from garden amenity space to the front and rear and a driveway provides on-site parking spaces.

Within the wider streetscene there is a variety of property types, including detached two-storey dwellings, two-storey semi-detached properties and bungalows. This creates a loose sense of similarity within the streetscene, with the only predominant features of shared design been the use of various external construction materials, including render.

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension.

The proposed single storey rear extension will be of an infill design, attached to the southern side elevation of the existing single storey rear projection and to the rear of the detached garage.

The extension will have a total length of 7 metres, projecting from the established rear elevation of 29 Moor Park Avenue by 5 metres. The extension will replace some of the existing detached garage, extending the built form 2.5 metres further westwards than the existing structure. The width of the proposed extension will be 4.15 metres and the height of the extension will be 3 metres. The extension will have a flat roofing style constructed from GRP and the walls of the extension will be faced in render.

The extension proposed one regular window to the northern side elevation and one obscurely glazed window to the rear elevation. These windows will be framed in UPVC to match the existing forms of fenestration to the host dwelling.

Within the interior of the dwelling, the extension will function as a bedroom and en-suite bathroom.

History of Negotiations.

The case officer sought amended plans so that the proposal would appropriately accord with the design criteria for single storey rear extensions as set out in the Council's House Extensions and Alterations SPD.

The applicant did not submit amended plans, but in accordance with the SPD a set of written justifications were submitted to outline why the proposal is acceptable on the individual merits of the scheme.

The applicant submitted the following justifications:

- Only wish to extend the existing garage structure along the boundary by 2.5 metres, which will be hardly noticeable to the neighbouring property with no windows into the neighbour's garden. The extension will therefore have no impact to the neighbouring property along the shared boundary.
- The neighbour also has quite extensive high planting along the shared boundary, which will screen the very small additional extension of the existing garage.
- Note concerns regarding the extension projecting 5 metres from the rear elevation of the dwellinghouse but would like to point out that the existing garage structure already projects approximately 2.5 metres past the existing rear elevation, which we only seek to go a little further by another 2.5 metres.
- This extension has little effect on the rear garden, with a circa 5% loss of garden, well below the suggested acceptable area 50% loss, as detailed in Paragraph 5.1.
- There is already a structure along the boundary, which does not retain a 1 metres separation distance. This structure currently causes no concerns to the neighbours and would not if it were to be extended by 2.5 metres. The ground is actually rising to the rear of the houses, on both properties, so this small extension is disappearing into the landscape.

In addition, the case officer sought amended existing and proposed plans, to correct the inconsistencies displayed when measuring the plans to scale. The applicant submitted amended plans which were scaled correctly.

In this instance, the case officer considered the applicant's justifications to be valid and in turn, deemed the proposal acceptable (discussed in greater length in the 'Assessment' section of this report).

Relevant Planning History.

No relevant planning history.

A desktop historical investigation of the site demonstrates that the single storey rear projection at 29 Moor Park Avenue is a combination of an original feature and additional built form constructed under Permitted Development rights. Therefore, the single storey rear projection is concluded to be Lawful.

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 April 2022 – one neighbour representation was received.

The representation outlined that they had no concerns regarding the proposed changes to the property, their concerns only related to the manner in which the work is to be undertaken. Concerns were related to the time of work commencing on site and the levels of noise from builders and construction works.

Although amended plans were sought and submitted, it was not deemed necessary to readvertise the scheme. This is because the amendments were sought to ensure the projection demonstrated upon the floor plans was accurately reflected within the elevation drawings.

Consultation Responses.

No consultations were deemed necessary.

Policy/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).

The application site is Unallocated in the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design

Supplementary Planning Documents:

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and

architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

Highways Design Guide SPD (2018)

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, 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, Coastal Change and Flooding

Assessment.

The matters that will be considered as part of the assessment of the proposal are set out below. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Other Matters
- 5) Representations
- 6) Conclusion

1. Principle of Development

The application site is without notion in 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 on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, policy 1 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.”*

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.”*

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. Policy LP24 of the Kirklees Local Plan is relevant and states that *“good design should be at the core of all proposals in the district”*

In this instance, it can be stated that the principal of development in this application could be acceptable, subject to the assessment of impacts to visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well-designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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 and Alterations SPD seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD further states that single storey rear extensions 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
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Although the proposed rear extension to 29 Moor Park Avenue does not conform with every criterion of the House Extensions and Alterations SPD as set out above, the applicant has submitted several written justifications detailed within the 'History of Negotiations' section of this report which will be taken into account in the consideration of this application.

The proposed rear extension is considered to be subservient, due to its single storey height and harmonising form and design with the established architectural style of 29 Moor Park Avenue, including the use of matching exterior construction materials. In addition, the erection of a flat roof will reduce bulking/massing from the extension. It is also important to note that, some of the proposed extension will replace existing built form at 29 Moor Park Avenue, reducing the impact of additional built form at the site.

The forms of fenestration proposed are also considered visually acceptable. Only two windows are proposed which will be in keeping with the existing forms of glazing to the host property.

In turn, it can be concluded that the proposed extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the dwellinghouse. Whilst the roof would tie into the existing flat roof element which is 0.5m above that of the existing garage, it is considered this would not have a significant impact in terms of the overall visual impact the property has within the street given this element of the proposal would be set back from the street by approximately 17m and the scale of this protrusion above the garage.

With regard to the wider streetscene, given the location of the proposed extension, to the rear of 29 Moor Park, it can be concluded that its erection will not impact upon the established character of the locality or disrupt the visual relationship established between neighbouring properties along Moor Park Avenue.

The proposal would retain external access to the rear of the property down the northern side elevation of the property. Whilst a through access would be lost between the garage and host property, given the existing garage abuts the boundary of the site and alternative rear access is retained it is considered it would be unreasonable of the LPA to refuse permission on the basis the extension closes off this rear access / is not set 1m in from the boundary.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

2. Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: “...*maintain appropriate distances between buildings*’ and ‘...*minimise impact on residential amenity of future and neighbouring occupiers*.”

Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions and Alterations SPD seek to ensure development does not have a detrimental impact upon the privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Principle 7 of the SPD requires a functional garden space to be retained as part of any development. The proposal would see the retention of a functional amenity space and is not considered to be overdevelopment.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 27 and No. 31 Moor Park Avenue, and No.’s 20 and 22 Moor Close located to the rear of the site. It is considered that the proposed single storey rear extension would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 27 Moor Park Avenue – this property is located to the south of the application site.

Although the proposed extension to 29 Moor Park Avenue will be constructed along the shared boundary with this neighbouring property, its development is not considered to be result in undue levels of overbearing or overshadowing.

The first reason for this is because the majority of the extension is to replace existing built form at 29 Moor Park Avenue, extending the projection of the solid wall along the shared boundary by an additional 2.5 metres. In turn, a distance of approximately 8.5 metres will be left undeveloped along the shared boundary. A distance of 1.5m between the side of no.27 and the boundary with no.29 would be in place.

The impact of the existing garage in terms of oppressiveness / overshadowing is not considered to be significantly increased from that which is in place already given the scale of the additional built for which is proposed.

Desktop sunlight calculator software has been used to confirm that the extension poses no increased potential of overshadowing. This is predominantly because of the location of proposed development, set north of this neighbouring property.

No additional windows are proposed to be erected to face towards this neighbouring property. Therefore, the works proposed are not considered to be detrimental to neighbouring privacy. It is recommended a condition is imposed upon any grant of permission to ensure this is the case.

It noted that the neighbouring property of No. 27 has extensive boundary treatments erected in the form of tall and dense hedging. This boundary treatment will further work to mitigate any potential impacts of development at No. 29.

No. 31 Moor Park Avenue – this property is located to the north-west of the application site.

A significant extent of separation distance is present between the proposed site of development at No. 29 Moor Park Avenue and this neighbouring property, approximately 11.6 metres. Therefore, given this distance and the single storey principal of development, it can be concluded that no significant impacts of overbearing or overshadowing will be caused for the occupiers of 31 Moor Park Avenue. This is further mitigated by the topographical land levels of these two neighbouring properties, with No. 31 set to a higher ground level than No. 29.

Furthermore, although a window is proposed on the northern side elevation of the extension, facing towards this neighbouring property, this will not detrimentally impact upon neighbouring privacy. The significant extent of separation distance will work to mitigate any significant impacts of overlooking and the outlook from this window will be limited to the solid side elevation of No. 31's garage and the rear garden amenity space. In addition, the existing forms of boundary treatment, including fencing and hedging, will further work to mitigate against any potential overlooking.

No.'s 20 and 22 Moor Close – these properties are located to the rear of the site.

The extension will be separated from the rear boundaries of curtilage at these properties by approximately 9 metres. Therefore, given this distance and the single storey scale of the development, it can be concluded that no significant impacts of overbearing or overshadowing will be caused for the occupiers of these neighbouring properties.

In addition, the extension will not detriment neighbouring privacy, with the one window proposed to the rear elevation of the extension to be obscurely glazed, and being at ground floor level is suitably screened by the existing boundary treatment.

It is also noted that boundary treatment is erected along the rear boundary of curtilage at No. 29 Moor Park Avenue, in the form of dense and tall hedging. This boundary treatment will further work to mitigate any potential impacts from development.

For these reasons, the proposed development at 29 Moor Park Avenue is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed extension to 29 Moor Park Avenue will increase the potential domestic function of the property, increasing the number of bedrooms internally from two to three. The Council's Highways Design Guide SPD sets out that three-bedroom properties should provide two off-street car parking spaces.

Two on-site parking spaces will be available at 29 Moor Park Avenue following development, with the existing driveway amenity space retained on site. Vehicular access to and from the property and driveway will remain unaltered following development at the site.

In turn, it is concluded the proposed rear extension at 29 Moor Park Avenue would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4. 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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Key Design Principle 8 of the Council's House Extensions and Alterations SPD.

5. Representations

One neighbour representation was received in response to this application been publicised.

The representation outlined that they had no concerns regarding the proposed changes to the property, there concerns are only related to the manner in which the work is to be undertaken. Concerns were related to the time of work commencing on site and the levels of noise from builders and construction works.

Given the scale of the proposal it is considered that it would be unreasonable of the LPA to impose conditions relating to construction hours of use given separate legislation is at the Council's disposal should noise nuisance occur as a result of activity being undertaken at a residential property.

6. 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: 2022/90851
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the rear extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no doors, windows or any other openings shall be created in the southern (side) elevation of the development hereby approved.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, principles 3 and 4 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	1453 – 10	-	10.3.22
Block Plan	1453 – 11	-	10.3.22
Existing and Proposed Plans	1453 – 01	2	15.6.22

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 Authority have, where possible, made a preapplication 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 sought amendments in line with the Council's House Extensions and Alterations SPD. Amended plans to correct inaccuracies within the submitted plan and justification statement was submitted.

Report Dated: 15.6.22