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:	**2022/62/91000/W**
Site Address:	24, The Ridgeways, Linthwaite, Huddersfield, HD7 5NP
Description:	Erection of single storey front and single and two storey rear extensions, installation of windows in first floor side elevation of dwelling
Recommending Officer:	Tom Hunt

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: 15-Jun-2022

Officer Report

Site Description

2022/91000 – 24 The Ridgeways, Linthwaite, Huddersfield, HD7 5NP

No. 24 is a two-storey, semi-detached property constructed of stone with red concrete tile side gable roof. It has a small porch extension to its front elevation. It sits within a corner plot with a driveway and front amenity space to the fore, a hard surfaced amenity space to the side and to its rear. There is a conservatory to the rear (set away from the neighbouring boundary by 0.5m). Of note is a large birch tree to its side border which is adjacent to a lawned corner. The dwellinghouse sits within a residential area of similarly constructed dwellings and a play area outside its rear. The site and surrounding land rises south-easterly.

It is not within a conservation area, not a Listed Building or affecting the setting of a listed building, and not adjacent to a PROW. It is within the Strategic Green Infrastructure Network. Permitted Development Rights appear to be retained.

Description of Proposal

Erection of single storey front and single and two storey rear extensions, installation of windows in first floor side elevation of dwelling

Porch/front extension
The proposed single storey porch extension with a lean-to roof would have the dimensions of:

- ~1.6m projection from the front x~ 3.9m width and a roof ridge height of ~3.4m and eaves of ~2.6m measured from ground level.

This would have openings to the front only consisting of door, sidelight and window. This would be an enlargement of the current porch to the front, which would be replaced.

Two-storey rear extension
This would be a gable end roofed two-storey rear extension with a width of ~4.35m, projection of ~3m from the rear and a roof ridge height of ~6.6m and eaves height of ~5.1m from ground level. The ridge height would be set down from the host by ~1m.

This would have openings to rear elevation only consisting of sliding doors to ground level and window to the first floor.

Single-storey rear extension
This would adjoin the two-storey rear extension to have a projection of ~3m from the rear (flush with the rear wall of the two storey extension proposed), a

width of ~2.9m with a lean-to roof ridge height of ~3.7m and eaves at ~2.6m from ground level.

This would have openings to rear elevation only consisting of windows to ground level and rooflights. This would be set away from the neighbouring boundary by 0.4m.

The proposed elevations display that materials proposed are coursed natural stone, concrete tile roof to match existing and white uPVC window frames to all proposed extensions.

Other alterations would be obscurely glazed relocated first floor window and new first floor window to bedroom to northeast (side) elevation. The replacement of top hung window to first floor of front elevation (northwest) to be casement window for an escape route. A new patio area would be formed cutting into the sloping garden ground with altered garden walling around it.

History of negotiations/amendments received

The case officer considered the application on review and sought justification on the boundary separation distance for the assessment and the agent supplied that the fence and existing nature of the rear conservatory provided that there would be no material change to the general arrangement.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 04/05/2022

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 within the Strategic Green Infrastructure Network.

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 31 – Strategic Green Infrastructure Network**
- **LP 33 – Trees**
- **LP 51 – Protection and Improvement of Local Air Quality**

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, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other Considerations

- Kirklees House Extensions and Alterations SPD
- Kirklees Highway Design Guide SPD

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. 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, highway safety and any other material considerations relevant to this case. These will be assessed below.

2 –Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 of the NPPF provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable 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…

and

'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 134 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted House Extensions and Alterations SPD.

Principle 1 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. In addition, Principle 2 of this SPD states that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.

Front extension

Design guidance in the House Extension and Alterations SPD sets out that single storey extensions on the front of a house are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The porch extension would replace an existing porch, and whilst somewhat large, it would be of a relatively similar design being set well back from the pavement, small and subservient in its single storey design and through the use of matching materials and lean-to roof would be a harmonious addition. The extension would not be positioned closer to the shared neighbouring boundary, be similarly dimensioned in height and extent and therefore would not unreasonably affect the property. For these reasons the porch is considered to be compliant with the guidance within House Extension and Alterations SPD for such extensions.

Rear Extension

The House Extension and Alterations SPD guidance sets out 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;
- 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.

In relation to two storey rear extensions, it goes onto note that such extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

The proposed extension to the rear would constitute a part two, part single storey rear extension. In relation to such extensions, the SPD sets out that:

"Careful consideration should be given to the design of part two-storey, part single storey rear extensions to ensure the proportions reflect those of the original house and that they do not overlook, overshadow or dominate neighbouring properties and gardens.

Care needs to be taken to ensure that the placement of windows takes account of neighbouring gardens. A stepped extension where the single storey addition lies close to the neighbouring boundary helps reduce the impact on neighbours. If the site is level and the rear elevations of the dwellings are flush, a 3.0m depth is acceptable provided that the single storey extension is set a minimum of 1.0 metre away from neighbouring side boundary and the two-storey extension a minimum of 1.5 metre from the shared side boundary."

The guidance for part two, part single storey extensions is noted mainly to relate to residential amenity, and this will be discussed further on below.

The overall rear extension would replace a conservatory
The single storey element would have a lean-to roof modestly projecting ~3m and not exceeding 4m in height. The eaves of the single storey element would exceed the advised limit by 0.1m and would not have a gap of 1m from the shared neighbouring boundary. That said, the single storey element is considered to be largely in keeping with the design and appearance of the existing dwelling. The acceptability of the separation distance with the neighbouring side boundary will be discussed in more depth in the residential amenity section
The two storey extension element would not project out more than 3 metres, and would be set off the side boundaries by more than ~3.4 metres.
The overall rear extension would not take up more than half the garden and given it's relatively modest projection and that the ridge of the two storey element would be set below those of the host dwelling, it is considered that the proposal would appear as a subservient addition to the dwelling. The proposed extension would also be constructed from materials to match and

overall it is considered that the extension would appear as a harmonious addition to the existing dwelling.
The two-storey rear extension element would be set off from the neighbouring southwest boundary by 3.3m, projects 3m and would not affect habitable room windows of neighbouring properties in outlook, this would in this instance be acceptable.
The works to the windows are considered to have a negligible impact upon the character and appearance of the area.
For these reasons above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the area and be acceptable and would accord with Policy LP24 of the Local Plan and chapter 12 of the NPPF, and broadly accord with the 'House Extensions and Alterations SPD'.
3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.
The development's northeast side elevation would be separated by 27m to the northeast neighbour (No. 62 The Ridgeways), and the bulk and massing of the porch and that fact its windows would be separated by 22.5m distance, thereby exceeding minimum separation distance guidance in Principle 3 of the House Extension and Alterations SPD. As the noted separation distance to No. 62 is in excess of minimum guidance, it is not considered necessary to condition that the proposed first floor windows on the north east elevation are obscurely glazed. For these reasons Officers are satisfied that the scheme proposed would not have any detrimental impact on overlooking, overshadowing and overbearing on No.62 and the properties to the front of the site. The rear extension would also be a significant distance away from the properties to the rear of the site which is considered to be sufficient to prevent undue harm to the amenity of these properties.

“Careful consideration should be given to the design of part two-storey, part single storey rear extensions to ensure the proportions reflect those of the original house and that they do not overlook, overshadow or dominate neighbouring properties and gardens.

Care needs to be taken to ensure that the placement of windows takes account of neighbouring gardens. A stepped extension where the single storey addition lies close to the neighbouring boundary helps reduce the impact on neighbours.

In respect of No.23 the overall rear extension would be sited adjacent to the side boundary of this property. The rear wall of No.23 also, currently, is set in the same line to the rear wall of No.24. The SPD notes for such extensions that if the site is level and the rear elevations of the dwellings are flush, a 3.0m depth is acceptable provided that the single storey extension is set a minimum of 1.0 metre away from neighbouring side boundary and the two-storey extension a minimum of 1.5 metre from the shared side boundary.

In this case, a 3 metre deep extension is proposed, and the two storey element would be over 1.5 metre from the shared boundary (~3.7 metres). Given this set off and its projection, and the northern orientation of No.24 to No.23, it is considered that this element would not cause undue harm to No.23 alone in terms of loss of light, overlooking or the creation of an overbearing effect. There are also no windows proposed in the side wall of this element therefore preventing undue overlooking into the garden of No.23. The two storey element is therefore considered to be sufficient on its own.

That said the single storey element would be adjacent to the shared boundary (not 1 metre away as advised in the SPD) and would likely breach the horizontal 45 degree line from the nearest rear facing window. That being said, this element of the proposal would somewhat replace an existing conservatory screened by ~2m height timber fencing, and therefore in this instance it is considered that the marginal increase of the eaves height above guidelines (set out in the SPD) and the close proximity would not offer any adverse visual impact to the neighbouring property over and above current general arrangements. It should also be noted a single storey extension of such a depth could be constructed under permitted development.

4 – Impact on highway safety:

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

The Highways Design Guide advises that new dwellings should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces. The property currently benefits from a driveway space to the front sufficient for two cars (tandem parking) and landscaping to its front amenity space providing a welcome visual relief to the streetscene with its pleasant planting. It is not on a classified road, is within a quiet residential area serving only properties in the vicinity and is not a cut through route to other roads being an isolated residential development. The proposal would normally suggest that another off street parking space to be provided at least for the scale of the new capacity, however given the above and the somewhat sustainable location (near to frequent bus services), it is considered that the proposal 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.

Principles 8-11 of the Householder Extensions and Alterations SPD cover measure to combat climate change

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 and the Strategic Infrastructure Network
Principle 12 of the Householder Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

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.

The application site is within the Strategic Infrastructure Network and near some tree coverage as well as a bat alert layer. To meet the biodiversity requirements of Policies LP30 and LP31 of the KLP, it is considered necessary to condition a bat box to be installed and retained to the southeast elevation to satisfy Officers should the application be approved. The applicant's agent has agreed to such a condition.

Trees
Principle 13 of the Householder Extensions and Alterations SPD states that extensions and alterations should seek to retain existing vegetation and trees and enhance this provision through landscaping where possible.
The adjacent privately owned birch trees are on higher ground either to the side of the property or to the rear boundary of the garden, for these reasons the porch development and the rear extensions would unlikely detrimentally impact on trees or on the streetscene.

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: 2022/91000

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, LP31, LP33 and LP51 of the Kirklees Local Plan, Principles 1-16 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 and roofing materials of the extensions 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. One bat box shall be incorporated into the extension hereby approved; the box shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light on the southeast elevation at least 4 metres above ground level. The bat box shall be provided prior to first occupation of the extension hereby approved and thereafter be retained.
Reason: To enhance the biodiversity of the site including bats and the Strategic Green Infrastructure Network in accordance with Policies LP30 and LP31 of the Kirklees Local Plan, Principle 12 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice

when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations (existing)	Plans and Elevations as Existing. Project No. DL754. Drawing No. 01.	-	23/03/2022
Plans - Grouped Plans and Elevations (proposed)	Proposed Plans and Elevations. Project No. DL754. Drawing No. 02.	-	23/03/2022

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 justification on the boundary separation distance for the assessment and the agent supplied that the fence and existing nature of the rear conservatory provided that there would be no material change to the general arrangement.

Report Dated: 10/06/2022