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:	**2022/62/91245/W**
Site Address:	13, Benomley Crescent, Almondbury, Huddersfield, HD5 8LT
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: 26-Jul-2022

Officer Report.

Reference: 2022/91245

Location: 13, Benomley Crescent, Almondbury, Huddersfield, HD5 8LT

Proposal: Erection of single storey rear extension

Site Description.

13 Benomley Crescent is a two-storey detached property located in Almondbury, Huddersfield. The property is faced in brick and render and has a hipped roofing style infilled with blue slate tiles. Within the wider curtilage, driveway amenity space is present to the front elevation with a small front garden, and to the rear of the dwelling, is a substantially sized area of functional garden amenity space.

The property is located in a residential area where all of the surrounding properties share the same style of design and construction, detached and faced in matching materials. Therefore, it is concluded that there is a strong sense of similarity established within the streetscene of Benomley Crescent.

The application site is not specifically Allocated 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 project 2.9 metres from the rear elevation of the host dwelling, with a width of 3.8 metres. The maximum height of the extension will be 3 metres.

The external walls of the extension will be faced in brick and the flat roof will be constructed from GRP.

With regard to fenestration detailing, glazing is proposed only to the rear elevation. This is in the form of glazed doors and several narrow vertical/horizonal windows. All of these features will be framed in UPVC, to match existing windows and doors to the host property.

A roof lantern is also proposed. This has a height of 0.45 metres above the height of the flat roof.

Within the interior of the dwelling, the extension will function as a lounge.

History of Negotiations.

The case officer sought amended plans to ensure that the scheme appropriately complied with the Council's adopted House Extensions and Alterations SPD, specifically with regard to retaining a 1 metre gap between shared boundaries. In addition, the case officer sought the submission of a floor plan, which detailed the neighbouring properties nearest ground floor opening.

The applicant successfully submitted an amended plan demonstrating neighbouring openings. However, no amendments were submitted with regard to retaining a 1 metre gap from the boundary. Instead, the applicant submitted a set of written justifications.

The applicant submitted the following justification:

- The applicants opted for a flat roof to minimise issues with the neighbour.
- The extension virtually qualifies as permitted development if it had not been for the lantern.
- The 45-degree will only clip the corner, therefore the impact is minimal.
- Understand it to be the case that the neighbour is happy with the proposals.

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). Therefore, the overall determination of this application is based on the amended plan and SPD justifications as submitted by the applicant on 4 May 2022.

Relevant Planning History.

No relevant planning history on site.

To neighbouring properties:

- **2008/91798** – 11 Benomley Crescent – Erection of single and two storey extensions. *Granted conditional full permission 2008.*

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 18 May 2022 – no representations were received.

In response to the neighbour letters, one comment of support was received. This was from the occupier of a neighbouring property, stating that they *'fully support'* this application.

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 not specifically allocated within the Kirklees Local Plan; however, the site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

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.

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 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

Assessment.

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

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

1. **Principle of Development**

Sustainable Development:

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, 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 LP1 of the Kirklees Local Plan (KLP) 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."*

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 KLP 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 principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2. **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."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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 Supplementary Planning Document (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 terrace houses or by 4 metres for detached properties
• 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 13 Benomley Crescent 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 to 13 Benomley Crescent is considered to be subservient, due to its single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a flat roof, by form, will naturally reduce the overall bulk/mass of the development.

The forms of fenestration are also considered acceptable visually, in keeping with the architectural style of the host property, whilst enhancing the contemporary design of the property through the use of narrow glazed panel detailing and the erection of a roof lantern.

The incorporation of contemporary features, such as the forms of fenestration outlined above, are acceptable in accordance with the House Extensions and Alterations SPD, whereby Key Design Principle 1 states: *'contemporary designs and high-quality modern interpretations of distinctive and significant local characteristics will be welcomed where they are demonstrably appropriate to the site context…'*

Within the wider streetscene, several properties have rear extensions erected, of a similar design and construction style to that proposed at No. 13. Therefore, the erection of the proposed extension to 13 Benomley Crescent is also considered to be acceptable in terms of the character of the wider locality. It should also be noted that the proposed extension is to be located to the rear of the dwelling and therefore, will not be visible from the highway of Benomley Crescent.

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 National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3. 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 National Planning Policy Framework 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 & 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.

The proposal would see the retention of an appropriate extent of garden amenity space. Therefore, the application is considered to appropriately comply with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No.11 and No. 15 Benomley Crescent, as well as No. 22 to the rear of the site.

No.11 Benomley Crescent – this property adjoins the application site to the east.

The proposed rear extension to 13 Benomley Crescent is not considered to result in undue overbearing or overshadowing for the occupiers of No.11. Whilst the submitted plans detail a 35 degree line rather than 45 degree line, it is noted that when a 45 degree line is taken only 0.9m of the extension protrudes beyond this line.

Sunlight calculator software has been used to confirm that potential overshadowing will be limited to between only the hours of 16:30 and 19:00 in the summer and between 15:00 and 15:45 in the winter. The proposal is single storey and of a flat roof design which reduced its impact in relation to creating shadowing to neighbouring properties. As a result, the extension is not considered to pose significant detriment in terms of overshadowing.

No glazing is proposed in the side elevation facing this neighbouring property, resulting in no detrimental impacts to neighbouring privacy as a result of overlooking.

No. 15 Benomley Crescent – this property is located to the west of the application site.

The proposed rear extension to 13 Benomley Crescent is not considered to result in undue overbearing or overshadowing for the occupiers of No.15, predominantly because of the single storey nature of development and the extent of separation retained from the shared boundary (approx. 4.6 metres). It should also be noted that No. 15 Benomley Crescent is located to a slightly higher topographical ground level than No. 13, further minimising any potential impacts from development.

Sunlight calculator software has been used to confirm that potential overshadowing from the proposed extension will be limited to between the hours of 06:00 and 08:00 in the summer, to only the rear garden amenity space of 13 Benomley Crescent. There is no further potential for overshadowing from the proposed extension in the winter. As a result, the extension is not considered to pose significant detriment in terms of overshadowing.

No glazing is proposed in the side elevation facing this neighbouring property, resulting in no detrimental impacts to neighbouring privacy as a result of overlooking.

No. 22 Benomley Drive – this property is located to the rear of the application site.

Due to the single storey nature of the proposed rear extension at 13 Benomley Crescent, and the retained seperation of approximately 12 metres from the rear boundary, it is concluded that no significant impacts of overbearing or overshadowing will be caused for the occupiers of No. 22 Benomley Crescent.

In addition, this seperation distance works to ensure that the proposed glazing to the rear of the extension will not result in detriment to neighbouring privacy as a result of overlooking.

It should also be noted that boundary treatment is present along the shared boundary, in the form of tall wooden fencing, this further works to mitigate against impacts of development.

For these reasons, the proposed development at 18 Bradley Grange Gardens is not considered to cause undue harm to the residential amenities of neighbouring properties. The proposal is not of a size and scale which is considered to be unduly oppressive to neighbouring occupiers. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, 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.

4. 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 development will not increase the domestic function of No. 13 Benomley Crescent, nor will it alter the existing parking arrangements on site or access to and from the adjoining highway, therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed rear extension at 38 Meadowcroft 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.

5. 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

Bats

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.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

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

The application site lies within the bat alert layer on the Council's GIS system. The proposal would not see works to the roof which have the potential for roosting bats to be present. Therefore, it is not considered necessary further assessments of the roof space to be undertaken.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations

No representations were 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: 2022/91245
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 with policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls and of the 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 & 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 NPPF.

Note: The application site is located in a low risk coal area.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Plans and Elevations	02	-	8.4.22
Existing Plans and Elevations	01	-	8.4.22
Block Plan	-	-	8.4.22
Location Plan	-	-	8.4.22

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 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. An amended plan was submitted to demonstrate the 45-degree rule as set out the House Extensions and Alterations SPD, as well as a set of written justifications.

Report Dated: 25.7.22