

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:	2022/62/91269/W
Site Address:	189, Bourn View Road, Netherton, Huddersfield, HD4 7JS
Description:	Erection of extension to existing garage with pitched roof
Recommending Officer:	Laura Yeadon

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-Jul-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91269>

Site Description

189 Bourn View Road is a detached dwelling located within an area without notation on the Kirklees Local Plan. The property is two storeys in height and has a gabled frontage with has a two storey stone section with the remainder of the property constructed from red brick. To the front of the property is a porch and an area of off-street parking with a driveway to the side leading to a detached fat roofed garage (beyond the rear wall of the dwelling). To the rear of the property is a garden area which is set on a lower ground level than the floor level of the house.

Surrounding development is predominantly residential with properties comprised of mainly detached and semi-detached dwellings of varying styles and designs. Beyond the rear boundary of the site is Green Belt land. Bridleway HUF/207a/10 runs along the rear boundary of the site.

Description of Proposal

Planning permission is sought for the extension to the existing garage with a pitched roof.

It is proposed that the existing garage would remain in situ and an extension is proposed to the front of the garage which would attach to the side elevation of the existing property. The extension would be a continuation of the existing side elevations of the existing garage and would be set back from the front elevation of the dwelling by 5.4 metres and would project off the rear elevation of the property by 0.8 metres to attach to the existing garage.

It is proposed that the flat roof would be removed from the existing garage and a pitched roof constructed on both the existing and proposed elements. The eaves height would be 1.8 metres with the overall height being 2.6 metres to the projecting section of roofing and 3 metres to the section attaching to the side elevation of the property.

It is proposed that the elevations for the garage and the extension would be rendered in an off-white colour and concrete tiles would form the roof. It is proposed that the existing opening within the rear elevation of the existing garage would be retained with a roller shutter opening within the side elevation of the structure facing into the garden area.

History of negotiations/amendments received

No negotiations have taken place however the Case Officer met the applicant during the site visit where it was confirmed that an off-white colour render would

be the final colour of the render rather than chalk white as annotated within the proposed plans and application form.

Relevant Planning History

2000/91887 - Erection of two storey extension - *Conditional Full Permission*

2000/92690 - Erection of two storey extension (modified proposal) - *Conditional Full Permission*

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 21st May 2022 – no representations received

Parish/Town Council – not applicable

Consultation Responses

K.C Public Rights of Way – no response to date

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network

- **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 21st 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

Supplementary Planning Documents (SPD's)

- Highways Design Guide SPD
- House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

- 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 site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment

- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

In terms of single storey side extensions, the SPD states that these should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

In terms of single storey rear extensions, the SPD states that these 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; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within the 'Impact on visual amenity' and 'Impact on residential amenity' sections of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The extension would be located on the side elevation of the property, set back from the front wall, and would effectively form a link between the existing garage and the dwellinghouse with pitched roof formed over both the proposed

extension and the existing garage. As the resultant structure would be single storey in height, it would appear as a subservient addition when viewed against the two storey dwelling.

The extension would project to the side by 2.6 metres lying flush with the existing side elevation of the garage and would therefore not extend more than two thirds of the width of the main body of the house, would not exceed 4 metres in height and would be set back significantly from the front elevation of the property and therefore provides a visual break between the property and the extension as required by paragraph 5.18 of the SPD.

Whilst it is noted that the extension would create a structure that would be larger than the remit of paragraph 5.6 of the SPD in terms of single storey rear extensions, the extended section to the front of the garage but to the rear of the property has a limited projection beyond the rear elevation of 0.8 metres. The siting of the extension, set so far back from the front elevation and would be barely visible from public vantage points from both Bourn View Road and from the Bridleway beyond the rear boundary and therefore is considered acceptable to Key Design Principle 1 and the impact on the street scene.

In terms of the use of render, given the properties within the immediate area are varied in terms of design and construction materials and with the location of the extension to the side and rear of the property, it is considered that the use of render is acceptable in this instance. It is noted that the plans and application form state that the render would be finished in 'chalk white' however the applicant stated during the site visit that an off-white colour render is proposed. This is considered a more appropriate colour and shall be conditioned as such.

It is noted that the extension is not set in from the shared boundary by 1 metre as noted within paragraph 5.6 metres however as the extension would follow the existing building line of the garage and to step this in would result in an awkward visual appearance and a piecemeal development. Further to this, this would not appear cramped on the site given the single storey scale, the set back from the front wall and given other development in the area. Access to the rear of the property would be from both the extension and the existing house and therefore overall this siting close to the boundary is considered to be acceptable.

Due to the limited size of the extension, the amenity spaces to the front and rear of the dwelling would be retained and therefore would comply with Key Design Principle 7 of the SPD.

It is therefore considered that the proposal would be compliant with Key Design Principles 1, 2, 7 and 9 of the SPD, Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of residential amenity, the works would be to the side and rear of the property and would attach to the front of the existing garage. The property and the neighbouring property are set on similar ground level and share a driveway which is not separated by a physical boundary. The extension would be sited adjacent to the existing window on the application site where a window is located in a similar position within the neighbouring property and the extension hosts no openings which would face this neighbour. The proposed openings would be within the front elevation and the side elevation facing into the application site and therefore there are minimal concerns in terms of overlooking or loss of privacy. These neighbouring ground floor side facing windows also appear to accommodate a kitchen/dining room which has a primary source of light to the rear therefore the impact on these side windows is considered acceptable, especially when considering a side extension to the boundary could be erected under permitted development.

With regards to residential amenity, the garage would be retained with a 0.8 metre projection off the rear elevation to attach the extension to the garage. Whilst this would result in a large structure when viewed cumulatively, in terms of the impact on the neighbouring property of No.197, it is not considered that the limited projection and also the impact of roof would be significantly harmful to the neighbouring property of No.197 in terms of overbearing the neighbouring garden or loss of light to rear facing window. The neighbouring property also hosts a detached garage in a similar position to the application site and therefore the impact of the extension and the roof would be mitigated somewhat by the presence of the neighbouring garage. It is not anticipated that the structure would be oppressive and is retained at single storey height.

It is considered that the extension would be sufficiently sited so as to prevent undue harm to any other neighbouring properties, including No.191 as it would be set away from the shared boundary with No.191

It is therefore concluded that the proposal would have an acceptable impact with regard to residential amenity of occupiers of the host property and neighbouring occupiers. The proposal is therefore considered to be in accordance with the aforementioned policies and Key Design Principles listed above.

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 proposal would result in a loss of parking within the existing garage. However, the dimensions of the garage fall short of that required within the Highways Design Guide SPD in terms of width and therefore the loss of this provision is not considered to impact on parking provision within the site.

A section of driveway would be retained and there is also existing hardstanding to the front of the property to enable off-street parking and it is therefore considered that sufficient parking provision could be provided within the site for a dwelling of this scale (believed to be 3 bedrooms) in a relatively sustainable location, in compliance with Key Design Principle 15 of the SPD and the Highways Design Guide

There is also sufficient provision for the storage of bins within the site and therefore this is considered to comply with Key Design Principle 16 of the 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 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.

The provision of a roof to the existing garage and extension and also rendering the existing garage and extension would increase the thermal efficiency of the structure and therefore would assist in the mitigation of climate change.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions

they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Biodiversity - Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. 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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest 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.

6 – Representations:

None

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: 2022/91269

Officer Recommendation: Approve

Conditions

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 listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 of the House Extensions and alterations SPD and advice within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The 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, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, the external walls of the existing garage and the proposed walls of the extension shall be finished in an off-white coloured render that shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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
Location plan, existing block plan, floor plan and elevations	2022-006-(20)001		11 th April 2022
Proposed block plan, floor plan and elevations	2022-006-(20)002		11 th April 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations have taken place however the Case Officer met the applicant during the site visit where it was confirmed that an off-white colour render would be the final colour of the render rather than chalk white as annotated within the proposed plans and application form.

Report Dated: 14th July 2022

Coal – low