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:	**2022/62/91281/W**
Site Address:	11, Broadgate, Almondbury, Huddersfield, HD5 8HR
Description:	Erection of single storey side extension
Recommending Officer:	Hubert Lam

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: 22-Aug-2022

Officer Report
2022/91281 – 11 Broadgate, Almondbury, Huddersfield, HD5 8HR

Site Description
The application site is within the residential area of Almondbury, characterised by semi-detached dwellings of various types, accessed by Broadgate to the front of the principal (northwest) elevation of the house.
The host property is a two-storey semi-detached dwelling constructed in stone blockwork and roof tiles and is adjoined to the neighbouring semi-detached property 15 Broadgate on its side (southwest). The property benefits from front and rear gardens, a rear decking area immediately adjoining the rear elevation of the main house, and a side (northeast) private drive leading onto the public highway within its residential curtilage.
The site is within a Coal Development Low Risk Area and a Bat Alert Area.

Description of the Proposals

The application seeks planning permission for the erection of a single-storey side extension and associated external and internal alterations to create an enlarged kitchen and utility room on the ground floor level.

The proposal would see an open section of the front of the building partiually infilled with a wall and the proposed single storey side extension set back from the frontmore part of the wall by 0.5m. The frontmost part of the wall is in line with the frontmost wall of the host property (which also features a bay window protruding further forward).
The proposed extension would be 3.8m in height, and fun the length of the property at a length of 8m. The width of the proposal is 2.8m with the gap between the side of the proposal and the boundary being 0.3m. A fence which is 2m in height is indicated upon the submitted plans to be in place upon the boundary between the host property and no.9.

Planning History

None

Representations

The application has been advertised by neighbour notification letters. Initial publicity expired 22 July 2022. One (1) neighbour objection was received, raising the following, summarised, concerns:-

- The proposal would lead to overshadowing
- Scaffolding on the drive would restrict access to the garage
- The dry stone wall between the properties is a feature would want retained
- Surface water from the roof should not drain onto neighbouring land
- Snow would fall from the roof to the neighbouring driveway during winter restricting access
- Height of fencing along the drive not confirmed, or whether it would be of an open / enclosed design
- Raising the floor level would increase height of the extension
- Surface water should drain into the properties existing drainage system
- The submitted statement does not reference heigh differences between 9 and 11
- Page 2 of the supporting statement does not relate to no.15

Amendments were sought to address the possible impact on the external appearance, utility, and visual amenity due to the layout and configuration of the proposed single-storey side extension, particularly to the roof configuration and the waste disposal arrangements, to best align with the relevant Local Plan policies and SPD guidance, with the amended plans and proposal received on 25 July 2022.

A neighbour re-consultation letter with respect to the amended plans and proposal was subsequently sent out to those notified intitially. Final publicity expired 08 August 2022. No further objections were received.

Consultee Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

The application site is within a Bat Alert Area and area identified as being at low risk of ground movement as a result of former mining activity. The site is unallocated within the kirklees Local Plan.

The most relevant Policies for consideration in this case are:

<u>Kirklees Local Plan (2019)</u>

LP1 Achieving Sustainable development
LP2 Place Shaping
LP21 Highway Safety

LP22 Parking Provision
LP24 Design
LP30 Biodiversity and Geodiversity

Supplementary Planning Documents (SPD):

House Extensions and Alterations SPD

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, the wider street scene, and the amenities of neighbouring residents.

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 11 Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Appraisal

Principle

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."

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".

Paragraph 4.5 of the Kirklees House Extensions and Alterations SPD specifically relates to the overall scale, massing, external design and detailing of extensions and reads as follows,

> 4.5 Proposals for extensions should normally be smaller in scale than the original property and set back from the existing building line. Two-

storey extensions should be set down from the ridge line and generally smaller in footprint. The materials, design, roof pitch and detailing should normally match the existing house detailing.

Paragraphs 5.15-5.16 of the SPD relates to side extensions and reads as follows,

> "5.15 Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.
>
> 5.16 Side extensions should maintain the quality of the environment for neighbours by: Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and Positioning windows to minimise or avoid any potential overlook into neighbouring gardens."

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

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against the applicable material planning considerations within the following report.

Visual Amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

KDP 1 and 2, and Paragraphs 4.2-4.4 of the SPD require that development proposals to have specific regard on the local context and distinctive character, where modern, contemporary designs that could be demonstrably appropriate to this context and character should be assessed on their own merit accordingly and could be supported in cases that the proposal would clearly enhance to the character and street scene of the area.

The initial proposal for a single-storey side extension would include a front projection to align with the existing front porch / canopied area and a hipped roof layout and configuration to the side extension.

The Case Officer raised initial concerns to the front projection and the roof layout and configuration due to the existing gabled roof configuration of the house with relation to the overall layout, built form and fabric of the house, and the front projection element of the proposed side extension forming the semi-enclosed front-porch / canopied area to the existing front entrance, both elements of which would significantly alter the external appearance and the character of the house when viewed from its principal elevation along the

streetscape within its residential setting. These concerns raised were substantiated by the neighbour comments and objections received.
Amendments were sought to best address the impact on design and visual amenity and to better align with the Local Plan policies, and SPD guidance, with the amended plans received on 25 July 2022. The amended proposal was re-advertised through neighbour notification letters with the final publicity expiry on 08 August 2022. The initial concerns raised were deemed sufficiently addressed in the amended proposal and no further objections were raised.
The proposal, as amended, with the set-back of 0.5m from the existing front elevation and the reconfiguration of the roof design, would be proportionate and subservient when considered with relation to the existing main house and would not create a significantly greater impact in terms of outlook and visual amenity than that of the existing house when viewed from neighbouring properties, the street, and the wider public domain within a residential area.
It is noted that the proposal is of a height and size which could be undertaken under permitted development rights (for the section of the extension which is protruding from an original side wall) and given the amendment to the porch could likely be undertaken in any case, and the set back of the proposal, it is considered the visual impact would not be significant in light of the pd fall back which could be undertaken and which could be of a greater width right up to the boundary.
The proposed materials and finishes would include natural stonework for external walls and terracotta roof tiles to the roofing, all to match that of the existing house. As such, subject to the condition securing the matching exterior materials and finishes, the element of the proposal would be considered acceptable in its impact on design and visual amenity.
As such, the proposal is concluded to be of an acceptable design and have an acceptable impact upon visual amenity and accords with policy LP24 of the Kirklees Local Plan, KDP 1 and 2 of the House Extensions and Alterations SPD, and Policies within Chapter 12 of the NPPF.

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.
KDP 3 and 4 of the SPD require proposals to achieve reasonable levels of privacy and call for the careful design considerations in the positioning of windows with regard to their impact on privacy and overlooking on neighbouring properties in development proposals.
KDP 5 and 6 and Paragraphs 4.19-4.20 of the SPD further gives specific guidance on the possible and likely impact in terms of dominance and overbearing impact on neighbours and reads as follows,

4.19 Consideration of the outlook of neighbouring properties will also be considered in assessments of extensions and alterations. Dominance and outlook relate to how an extension will change the character of the neighbouring house and garden and affect the outlook from a neighbour's window. Proposals which would result in a poor or reduced outlook from neighbouring properties are unlikely to be acceptable.

4.20 When assessing the impact that an extension or alteration may have on outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly 'hemmed-in' by the proposals.

The nearest neighbouring property is 15 Broadgate, the adjoining semi-detached dwelling to the southwest. The proposed single-storey side extension, as amended, would not project beyond the rear of the main house, and would not pose a significantly greater privacy, overbearing, or overshadowing impact on its adjoining neighbour 15 Broadgate than that of the existing house due to its scale, massing, layout, and orientation.

To its side (northeast), the nearest neighbouring property is 9 Broadgate. Whilst it is acknowledged that the proposed single-storey side extension would project beyond the existing side (northeast) elevation reducing the existing separation between the properties, weight is afforded the size / scale of the proposal and the realistic pd fall back which exists whereby an extension of a similar size / scale could be constructed that had a projection from the whole of the side wall and which went right up to the boundary. Similarly the 2m high fence on the boundary can be undertaken under permitted development rights.

The proposed single-storey side extension, as amended, would maintain a 300mm separation from the side (northeast) curtilage boundary fence between the host property 11 Broadgate and the adjacent neighbour 9 Broadgate at a height of 2.0m from the ground level. No new window or door openings would be created on this side (northeast) elevation, and the existing first-floor window on the main house would be reduced in depth to accommodate the proposed roof section of the extension.

KDP 7 of the SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The application site benefits from a relatively generous outdoor space in the form of its side garden, and the proposed extension would clearly satisfy the requirement for at least 50% outdoor space within the residential curtilage being retained when viewed in its cumulative impact, with at least 160m^2 of outdoor space retained within its residential curtilage.

With regard to impact in relation to overlooking, the proposal is not considered to lead to significant levels of overlooking over and above that of the existing dwelling given that openings are to the front and rear elevations only.

With regard to overshadowing, the proposal is of a size and scale whereby the majority of the extension could be constructed in any event under permitted development rights. The side elevation of no.9 features an entrance at ground floor and window at first floor. It is considered the impact of the proposal as a result of overshadowing would not be of such significance to justify refusal in this case taking account of the realistic pd fall back and also the overall size /

scale of the development as well as the openings which would be opposite the proposal. It is considered that for the same reasons the impact in terms of oppressiveness / overbearing would not be significant.
Due to its location, layout, orientation, separation, and overall configuration, the proposed extension is not considered to introduce a significantly greater harmful impact in relation to privacy, overbearing, and overshadowing impact on the neighbouring properties. As such, the proposed extension, as amended, would accord with Section 12 of the NPPF, Policy LP24 of the Local Plan, and the specific guidance on residential amenity as described by the Kirklees House Extensions & Alterations SPD KDPs 3-7.

Highways Safety

The property as existing and proposed would maintain the number of bedrooms at 3no.
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. KDP 15 and Paragraph 4.42 of the SPD provides specific guidance to the parking provision with regard to the number of bedrooms at the property and is worded as follows,

> "4.42 Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2 to 3 bedroom dwellings provide a minimum of 2 off-street car parking spaces 4+ bedroom dwellings provide 3 off-street parking spaces."

The application site, as existing and proposed, would provide at least 2no parking spaces to the front private drive / hardstanding area of the property within its residential curtilage, and would clearly satisfy the standards as stated in KDP 15 in terms of parking provision and highways safety in this respect.

Waste Storage

KDP 16 and Paragraph 4.44 of the SPD requires development to maintain appropriate waste storage arrangements and is worded as follows,

> "4.44 Consideration should be given to the storage of bins and recycling. Proposals for extensions should consider appropriate storage for bins. Bin storage should provide easy, level access from the storage location to the collection point. Bin storage areas should be well integrated in enclosed or otherwise discreet/well screened areas and must meet fire safety standards. Further guidance on emergency access, waste management, servicing and deliveries can be found in the Council's Highways Design Guidance SPD and waste strategy available on the council's website."

Considering the proposal with regard to the internal alterations and circulation with relation to the overall site access and layout, the proposed side (northeast) separation to the curtilage boundary fencing would be reduced to at 300mm,

and would alter the access and circulation so that the access into the rear garden would be through the house internally.
Whilst bin storage would be preferred to be at the rear, a suitable alternative to the front has been proposed with an external wooden bin store under the front window. Furthermore, it is noted that given the pd fall back such a situation could occur in any even and it is considered that it would be unreasonable of the LPA to insist upon a 1m rear access gap to be maintained in this case.
The proposal would include the installation of an external bin store immediately to the front (northwest) of the front elevation of the proposed side extension, would provide an acceptable waste storage and disposal arrangement accessible from the public highway Broadgate to the northwest of the site, and would therefore accord with KDP 16 of the SPD in terms of waste storage.

Other Matters
Carbon Budget
KDP 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. KDP 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, KDP 10 and 11 recommend extensions and alterations to 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.
The proposal could clearly be seen as an addition and alterations reflecting the continued and evolving use of the property as a residential dwelling, with the proposed materials and construction methods being energy efficient wherever possible and applicable and would therefore be appropriate in securing and safeguarding sustainability, particularly the southeast facing rear roof plane of the existing main house, and the flat roof sections of the existing main house and proposed side extension, would also provide the basis for the installation of solar panels in the future due to its layout and orientation to facilitate the appropriate use of renewable energy and contribute towards a low-carbon future.
As the scope of the works proposed would be relatively modest and would not introduce a significant environmental impact compared with that of the existing house and its associated outbuildings and structures, it is not considered

reasonable to add any carbon budget / climate emergency related condition should the proposal be granted the necessary planning consent. The scheme therefore complies with the aims of policy LP24 of the KLP, KDP8-11 of the SPD in promoting energy efficiency and the adoption of renewable energy, and Chapters 9 and 14 of the NPPF, which seek to promote a low carbon future and securing sustainability in development proposals.

Ecology and 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. Principle 12 of the House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of biodiversity. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst it is acknowledged that the site is located within an identified Bat Alert Area, the proposals are relatively modest in terms of overall scope and scale, and the built-up structures and works incidental to the proposed extensions and alterations would not be considered likely to host roosting bats. As such, subject to informative requiring works to cease and Natural England contacted in the event bats are discovered, the proposal would be considered acceptable in light of the aforementioned policy / legislation and would accord with Policy LP30 of the Local Plan.

Representations

Insofar as they are not addressed elsewhere in this report, the objections received to the proposal are addressed as follows:-

- Scaffolding on the drive would restrict access to the garage

Response: Any grant of permission does not permit the applicant to utilise 3rd party land during the construction phase and this would be a separate civil matter between the respective land owners.

- The dry stone wall between the properties is a feature would want retained

Response: Planning permission to remove this wall would not be required, similarly the construction of a 2m high fence is also unlikely to need planning permission. As such it is considered the LPA has little control over the retention of the boundary wall in this case.

- Surface water from the roof should not drain onto neighbouring land, Surface water should drain into the properties existing drainage system

Response: *The roof design is such that water would flow towards land to the front / rear of the property*. In any event suitable surface water arrangements would form part of the consideration for building regulations and it would be unreasonable of the LPA to insist upon a scheme of surface water drainage arrangements to be submitted as part of this application.

- Snow would fall from the roof to the neighbouring driveway during winter restricting access

Response: The roof design is such that snow would flow towards land to the front / rear of the property

- The submitted statement does not reference heigh differences between 9 and 11
- Page 2 of the supporting statement does not relate to no.15

Response: It is considered sufficient information has been submitted to enable the LPA to determine this case.

Conclusion

Having assessed the application against the relevant local planning policies and the National Planning Policy Framework, it is considered that the proposed works, as amended, in isolation and aggregate, would not pose or create a significant detrimental impact greater than that of the existing house, and in turn upon its visual, residential, and public amenity within its wider residential setting. Regarding all these elements, the proposal represents a sustainable and appropriate form of development both upon the house and its residential surroundings.

Recommendation

That this application be GRANTED permission subject to the following reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
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: In the interests of sustainable design principles and sound planning practice, in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, the Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, and 16 of the Kirklees House Extensions and Alterations SPD, and Policies within Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall be retained thereafter.
Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, KDP 1 and 2 of the Kirklees House Extensions and Alterations SPD, and Policies within Chapter 12 and 14 of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Application Form	-	-	24 May 2022
Supporting Statement	2226	-	24 May 2022
Location Plan	-	-	24 May 2022
Existing Floor Plans	2226-0101	P01	24 May 2022
Existing Elevations	2226-0102	P01	24 May 2022
Proposed Floor Plans	2226-0701	P03	27 Jul 2022
Proposed Elevations	2226-0702	P03	27 Jul 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. Amendments to ensure greater compliance with policy / improve the roof design were sought and amended plans which were considered to overcome the concerns raised were submitted on 27th July.