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:	**2022/62/91582/W**
Site Address:	32, Brock Bank, Dalton, Huddersfield, HD5 9RE
Description:	Erection of rear conservatory and front porch
Recommending Officer:	Sam Jackman

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Sep-2022

Officer Report

Planning application details | Kirklees Council

Site Description

32 Brock Bank, Rawthorpe is a brick semi-detached property with a concrete tiled hipped roof.

The property benefits from a newly paved drive to the side of the property located within a residential development area of similar properties with open fields to the rear.

Description of Proposal

The application is for a rear conservatory and front porch

The measurements of the proposed porch are as follows:

- 1.5m in projection
- 3.2m in width
- 4.8m^2 floor area
- 2.1m in height to the eaves; 3m in overall height

The measurements of the proposed rear conservatory are as follows:

- 4.6m in projection
- 4m in width
- 2.3m in height to the eaves; 3.4m in overall height with a lean-to roof

The proposed extensions would be built from materials to match the host property using brick with a concrete tiled roof.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

However, additional plans have been requested to correctly show the proposed floor plan to be proposed rather than existing.

Further amendments were received to clarify discrepancies with the plans.

Relevant Planning History

2008/94085 – Rear Conservatory – Approved not built (4m projection by 4.5m set in from the shared boundary)

Planning application details | Kirklees Council

No 37 Brock Bank
2013/92403 – front porch – CFP (identical porch)
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2F92403

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, where no objections have been received.

Final publicity date expired 18.8.22

The amended plans were considered to make marginal changes to the plan by removing existing from the proposed floor plans and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

Health & Safety Executive – do not advise against the granting of planning permission

Policy

The site is without notation on the Kirklees Local Plan and within an area at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design

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 14 – Meeting the challenge of climate change, flooding & coastal change.

Supplementary Planning Documents:

- Highways Design Guide SPD 2019
- House Extensions and Alterations SPD 2021

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).

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and Conservation Area/ Listed Building
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 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the Kirklees Supplementary Planning Document on House Extensions (SPD) which came into effect on 29th June 2021.

Within the SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual/residential amenity covered by principles, 3, 4, 5, 6, 7 & 9 and are considered within the following report. These policies state the following:

- Principle 1 – 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."

- Principle 2 – 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."

- Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

- Principle 4 - 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.

- Principle 5 - Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

- Principle 6 - Extensions and alterations should not unduly reduce the outlook from a neighbouring property.

- Principle 7 - requires development to ensure an appropriately sized and useable area of private outdoor space is retained

- Principle 9 - Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.

With specific regard to the proposed development the SPD states that in terms of front and rear extensions, the SPD states:

Front Extension

The SPD also clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported 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.

Single storey rear

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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.

When assessing the impact of overshadowing on neighbouring properties, with regards to rear extension built close to the shared boundary with its neighbour, section 4.17 of the SPD states the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°,

across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

The above listed policies and guidance within the House Extensions and Alteration 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 proposal will introduce a porch to the front elevation of this semi-detached dwelling. Where the pair of semi-detached dwellings – comprising 30 and 32 Brock Bank – have a plain frontage with neither property currently benefiting from a front extension.

Although the porch would disrupt the uniform appearance of the dwellings, it would not appear visually dominant or incongruous within the street scene. The porch would be of a moderate size, would not dominate the frontage of the property, and would relate well to the existing building in terms of its size. The proposed fenestration has been amended slightly so that the new window lines up with the first-floor window, along with porch being set back from the road frontage as advised in the Household SPD.

Furthermore, there are other examples of front extensions and porches in the local area, ensuring the development would not create a visually incongruous feature in the local environment. As such, the proposed porch is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2 and 9 of the SPD and policies within Chapter 12 of the National Planning Policy Framework.

The proposed conservatory would enlarge the property to the rear, creating a single storey extension. The proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene. Albeit area photos indicate a well-worn path along the rear of the property, no definitive footpath runs directly to the rear of the property.

The rear extension has been designed to reflect the host property with regards to the roof design and would be constructed of lightweight materials,

given it is a conservatory. This is considered to ‘harmonise’ with the principal dwelling to an acceptable degree.

The rear conservatory and front porch are considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity. Sufficient amenity space would be retained for future residents and to avoid a visual overdevelopment of the site. As such the development would be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the SPD and policies 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.

When assessing the impact of overshadowing or overbearing on neighbouring properties, with regards to rear extension built close to the shared boundary with its neighbour. Key design principle 5 of the SPD, section 4.17 of the SPD, as previously set out, will be considered.

No. 32 has two side neighbours; the attached neighbour no. 30 and the detached no. 34 with no neighbours to the rear and the properties to the front are over 19m separation distance.

Impact on No.30

This property is attached where the proposed porch would be close to the boundary where the lounge window would be approx. 3.5m away, with the closest window being to the hallway a non-habitable room window.

The proposed conservatory to the rear would be approx. 1.5m from the shared boundary with a mature hedge along the shared boundary, and albeit the agent hasn’t submitted a drawing showing the 45* rule it would appear to comply and given the existing boundary treatment which creates additional screening this would mitigate against any undue impact arising from the proposed development. The hedge would prevent undue overlooking/loss of privacy arising from the extension. The separation from this joint boundary would also assist in this.

Therefore, given the above it is considered both single storey extensions are acceptable and wouldn’t have an overbearing or overshadowing effect on this neighbour along with no overlooking, given the boundary treatment.

Impact on No.34

This is the detached neighbour where there is over 6m separation distance from the existing gable which increases to the both the proposed porch & conservatory and, albeit the neighbour is at a slightly lower level, the separation distances are considered acceptable so that the extensions given that they are both single storey wouldn't have an overbearing or overshadowing effect on this neighbour along with no overlooking, given the hit-and-miss timber fencing boundary treatment in place and the presence of outbuildings within the curtilage of no. 34.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the SPD as well as policies within chapter 12 of the National Planning Policy Framework.

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.

In this case the there are no highway issues as the drive / parking arrangement is not being affected by the proposal and can still accommodate 2 cars, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Health & Safety Executive – no objections raised.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Coal mining legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality.

It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Chapter 15 of the National Planning Policy Framework.

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: 2022/91582

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 51 of the Planning and Compulsory Purchase Act 2004.

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 and LP53 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the front extension and plinth wall of the rear 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application form			9th May 2022
Location plan 1:1250			27th June 2022
Existing floor plans & elevation	003		13th July 2022
Proposed floor plans & elevation	002	G	9th September 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format. However, additional plans were requested to address the discrepancies between floor plans and elevations.

Report Dated:	9.9.22

Coal – Low