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:	**2022/62/91748/W**
Site Address:	17, Woodlands Avenue, Lepton, Huddersfield, HD8 0HZ
Description:	Erection of single storey rear extension to replace existing conservatory and raising of the existing utility roof
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: 13-Jul-2022

SITE DESCRIPTION – 2022/91748
17 Woodlands Avenue, Lepton is a detached dormer bungalow located at the head of a cul-de-sac in a residential area of mixed style properties. The property is brick built with white render front & rear elevations and a concrete tiled roof. The property benefits from a detached double garage, a single storey flat roofed side utility and rear conservatory.
The property is located on a sloping site where the garden immediately behind the property has been raised to create a decking area with several steps leading down into the lower garden level.

DESCRIPTION OF PROPOSAL
The application is for is for the replacement of the existing conservatory with an orangery and the existing utility roof raised to tie into the new orangery.
The measurements of the proposal are as follows:

- 2.9m in projection
- 5.4m in width
- 2.7m in overall height

The extension would be built from materials to match the host property.
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F91748

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

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

RELEVANT HISTORY
2006/91980 - Erection of detached garage and new roof to existing conservatory CFP
(Garage built only)
2005/92868 - Alteration to roof, dormer extensions and porch - CFP

PUBLIC/MEMBERS RESPONSE

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 the 1.7.22, whereby no representations have been received.

Kirkburton Parish Council – no comments received

CONSULTATION RESPONSES
K.C. Strategic Waste - There are no closed landfill sites within 250m of application address.

POLICY
The site is unallocated on the Kirklees Local Plan and falls within an area with a known presence of bats and also an area at low risk of ground movement as a result of former mining activity.
The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity

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, 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 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents
- Kirklees Highways Design Guide
- Kirklees House Extensions and Alterations Supplementary Planning Guidance (SPD) (2021)

Kirklees Council has adopted supplementary planning guidance on house extensions which 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.

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

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 NPPF.
Policy LP1 goes on further to stating that "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 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 now adopted Kirklees Supplementary Planning Document on House Extensions (SPD) which come into effect on 29th June 2021 and attracts weight as a material consideration. In the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity 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."

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

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining 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.

Principles 1, 2 and sections 5.1, 5.2 & 5.6 are relevant to the consideration of the principle of the development, visual amenity and residential amenity and are considered within the following report.

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.

Impact on visual amenity:
Kirklees Local Plan policies LP1, LP2 and significantly LP24 all 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 & 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 Council's adopted House Extensions & Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this case the extension will enlarge the property to the rear, by replacing the existing conservatory with an orangery following the same footprint, creating a single storey family room extension. The roof of the existing utility will also be raised by approx. 0.45m to be in line with the new orangery roof.

The proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene and would not materially alter the overall appearance of the host property or views of it from the rear gardens of other properties.

The extension will be constructed of materials to match those of the existing building using white render and will remain subordinate to the host building. The size, position and appearance of the development would largely conform to the aforementioned sections of the SPD. Although the extension is close to the boundary, for this part it is only the roof which is being raised by 0.45m which would have a negligible impact on visual amenity.
The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, policies in the SPD and advice in the National Planning Policy Framework.

Impact on residential amenity:
Policy LP24 of the Kirklees Local Plan and advice within 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, 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

No.17 Woodlands Avenue has four detached neighbours; No.16 & 18 Woodlands Way and No.15 & 19 Woodlands Avenue Lepton.
Impact on No. 16 & 18 Woodlands Way
Both these properties back onto the side elevation of the application site, where No. 16 backs onto the garage located to the front of the property and therefore, will not be affected by the proposed extension, due to the separation distance and the host property fully screening the extension.

No 18, is to the south and at a lower level than the host property furthermore the orangery will be set in from the shared boundary by approx. 4.5m and given its single storey will have little impact on this neighbour with regards being overbearing or overshadowing.

With regards overlooking the existing conservatory has a fully glazed side elevation which will be replaced by 1 small window, furthermore along the shared boundary there is a screen fence providing adequate screening so not to create any additional overlooking than the current situation.

Impact on No. 15 & 19 Woodlands Avenue
No 15, is to the front of the property and therefore, would not be affected by the proposed rear extension, with regards overbearing, overshadowing or overlooking.

No 19 is located to the north of the site and set further forward in the plot than the application site. Where the garden adjacent to the existing utility is at a lower level, however the floor level of the No 19 is level with the host property and approx. 6.5m away. Therefore, the additional height to the existing utility is marginal and would have little impact on this neighbour with regards being overbearing and/or overshadowing along with no overlooking due to no additional windows being created. With regards the new orangery this will be fully screened by the existing utility, located on the existing footprint of the conservatory. Therefore, wouldn't have any impact on this property with being overbearing and/or overshadowing along with no overlooking.

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 Policy LP24 of the Kirklees Local Plan, principles 3, 5 and 6 Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the NPPF

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 terms of highway safety there are no highway issues as the drive is not being affected by the proposal and can still accommodate 2 cars, plus 2 cars in the garage 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 therefore concluded the proposal meets the aims of policies LP21 and LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that the extension wouldn't impact on the existing roof system.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

K.C. Strategic Waste - There are no closed landfill sites within 250m of application address.

Representations:

It should be noted that no representations have been received as a result of site publicity.

Kirkburton Parish Council –no comments received

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.

Decision Authorisation - Delegated Powers
Application Number: 2022/91748
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 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 LP01, LP02 & LP24 of the Kirklees Local Plan, principles 1, 2, 3, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within Chapters 2 and 12 of the National Planning Policy Framework.
3. The external walls 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD 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	Date Received
Application Form		19.3.22
Existing layout & elevations	2022-008-(20)001	19.3.22
Proposed layout & elevations	2022-008-(20)002	19.3.22

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 Planning 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.

Recommendation and Authorisation Box

Report Dated:	13.7.22

Coal – low risk