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:	**2022/62/91839/W**
Site Address:	7, Gatesgarth Crescent, Lindley, Huddersfield, HD3 3LG
Description:	Erection of two storey side extension
Recommending Officer:	Tom Hunt

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.

Stuart Howden

AUTHORISED OFFICER

Date: 12-Oct-2022

Officer Report

Site Description

2022/91839 – 7, Gatesgarth Crescent, Lindley, Huddersfield, HD3 3LG

The application site relates to a detached, two-storey dwellinghouse in a residential close with relatively similarly designed and constructed dwellinghouses. It is constructed of natural stone and tiled roof, with tile detailing on the walls of the house. It has been extended with a single-storey side extension, as an original front extending element and has a driveway and shed to the front with a side and rear garden.

It is not within a Conservation Area, not a Listed Building or within close proximity to a listed building. Part of the application site to the west indicates it has TPOs however none of note were visible (these have been removed). Permitted Development Rights are retained.

Description of Proposal

Erection of two storey side extension

The proposed two storey extension with a side gable roof would have the dimensions of:

- ~3.1m projection from the side x
- ~7.5m depth (with the rear wall flush with that of the main body of the dwelling) and
- a roof ridge height of ~7.5m (set down from the ridge of the main body of the dwelling) and eaves of ~5.2m (similar to that of the main body of the dwelling) measured from ground level.

This would be set back from the main body of the host by ~0.6m.

It would be constructed to match the host with natural stone and concrete tile.

Openings would be to front and rear only.

This would serve a secure store with garage style door to fore and home office to the rear at ground floor. To the first floor, two bedrooms to now make the property a 4 bedroom dwelling.

The front hardsurfaced amenity space is to provide three off street parking spaces for a 4 bedroom property. The shed to the front is to be removed.

History of negotiations/amendments received

The case officer considered the application on review and requested amended plans to have a greater set back from the main body of the

dwellinghouse to meet House Extension and Alterations SPD guidance so that it was a subservient addition

Relevant Planning History

2017/93596 – Demolition of existing garage and erection of single storey side extension – Conditional Full Permission.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 13/07/2022

Two representations have been received; a summary of the comments received is set out below:

Support

- It would be well designed, appropriate in scale to streetscene.
  Officer Note: the impact upon streetscene will be discussed in the assessment section of the report

Object

- Precedent: it would be a rear to side extension which would be the only one on street

Officer Note: the impact upon residential and visual amenity is discussed below

- Poor outlook from rear windows/loss of outlook

Officer Note: the proposed would be ~8.4m from rear windows and will be addressed in the Residential Amenity Section of the report.

- Sloping land was removed to provide the flat surface for the side extension
- A boundary fence/plant bed was erected to shore up ground level difference

Officer Note: This is outside of this planning application to be considered.

- Overdevelopment: proposed extension would nearly double footprint of the house

Officer Note: This will be addressed within the Visual Amenity section of the report

- Two-storey extension would be overbearing given size and proximity with detrimental visual impact

Officer Note: This will be addressed within the Visual Amenity and Residential Amenity sections of the report

- Not enough space within the site to maintain access to rear garden

Officer Note: This would be addressed within the Visual Amenity section of the report

- Access to maintain side elevation would be difficult to do

Officer Note: Maintenance of the side elevation is the owners' responsibility and is a private matter outside Planning Control

- Excavations would risk undermining neighbouring garden

Officer Note: There is not record or evidence of land stability issues and this matter is something which requires consideration by the development as outlined within the NPPF. This matter may also be considered under building regulations

- No windows are proposed but it would risk overlooking of garden.

Officer Note: Overlooking will be assessed within the residential amenity section of the report

Following amended plans received, this was not re-advertised as it resulted a reduction in bulk and massing with no additional detrimental impacts on amenity (i.e. no third party would be prejudiced).

Consultation Responses

No technical consultees required.

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 unallocated on the Kirklees Local Plan. It is within a Bat Alert layer and a Low Coal Risk Area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 33 – Trees**
- **LP 51 – Protection and Improvement of Local Air Quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD

- House Extension and Alterations SPD

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 4 – Decision making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

In this case, it can be stated the principle of development could be acceptable subject to the assessment of impacts on visual and residential amenity and highway safety, as well as other matters. This will be discussed below
<u>2 –Impact on visual amenity</u>:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".*
In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' is relevant.
Section 5 of the aforementioned SPD provides specific advice on side extensions and states the following
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.
Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area
Design guidance on two-storey side extensions sets out that they should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

The proposed would be within a broadly wedge-shaped plot to the side of the host with there being a gap of ~0.7m-2.6m to the flank plot boundary. This would be within the established flank elevations to flank plot boundary shown within the streetscene and would not appear out of keeping whilst retaining a gap. To have a wedge shaped extension to maintain a full 1m gap would appear incongruous with the form of the dwelling and streetscene design. It is also considered that given there is no side wall adjacent to this extension, the separation from the boundary would be sufficient to prevent a terracing effect or the development appearing cramped on the site. The extension would be set back ~0.6m from the main body of the house set behind the bay window extension enabling the property to meet the design guidance set out in the SPD.
The two storey side extension would be set down from the host dwelling's roof ridge and set back from the main body of the dwellinghouse and be of modest width and projection aiding in the extension's scale appearing boradly subservient to the main dwelling. It would have low embodied energy materials and detailing to match the host with a side gable roof to the host's own side gable roof enabling the design to be a cohesive and harmonious addition.
The side extension would be viewed from the highway at certain angles and existing examples of similar schemes demonstrate that the proposed would have an acceptable visual impact on the streetscene.

Whilst the footprint of the original host dwellinghouse would be increased, the proposal would also retain sufficient rear garden space to ensure that the scheme does not represent an overdevelopment of the site.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan, Chapter 12 of the NPPF and the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing, overlooking or loss of outlook or light. The closest properties, most likely to be affected by the proposed development are considered to be No. 1 (southwest), No. 9 (northeast), and No's 3 and 5 (southwest).

No.1
This property is on raised ground with the potential for the side extension to be separated ~8.4m to the rear elevation windows of habitable rooms. The text supporting principle 3 of the House Extensions and Alterations SPD states that a minimum separation distance of no less than 12 metres is recommended between windows of habitable rooms that face onto windows of non-habitable rooms. There would therefore be a shortfall in this case. However, the lack of no windows in this proposed side elevation would mitigate overlooking/privacy concerns. There is potential to have glazed side elevation windows to ground floor and obscurely glazed ones (either non-

opening or more than 1.7m above the internal floor level) to the first floor under permitted development already.

In terms of the impact upon the outlook of this property, whilst it is noted that the extension would be closer to the boundary, the rear elevation does not wholly face directly to the side elevation of the proposed and indeed the set back position of the extension from the main primary elevation would aid in a design that would not unduly affect the outlook to a point that it would be oppressively overbearing. The proposed development would be to the northeast of the property which would, considering the sun path, ensure that the development would not unduly impact on overshadowing and loss of light.

No. 9
The extension would be mainly screened by the bulk and massing of the host and therefore no significant impacts of overlooking, overshadowing and overbearing will ensue.

No's. 3 and 5
The extension would have a window to the first floor looking out to the rearmost boundary of No. 3's rear garden and No. 5's front garden/side elevation windows at first floor (which is separated by ~22m (exceeding the minimum recommended 21 metres in the SPD)); there is some green screening present in between to aid privacy. In addition, the relationship would not be materially different to that already existing given the front windows on No.5. Given that the rearmost boundary of No. 3 is of green hedging/shrubs, this would not be regarded a sensitive area for privacy leading to overlooking concerns, while there may be some oblique views, this would not be intrusive over and above the existing first floor window views from the host. The separation distance to No. 5's side elevation windows and its front garden would ensure that there be no detrimental impact on overlooking as it would exceed minimum separation distances between habitable windows. Due to the distance and positioning of the extension to the northeast of the properties, this would ensure that there be no significant overshadowing or overbearing concerns raised.

Future and present occupiers
The proposal would retain an appropriately sized and useable private garden meeting the requirements of Principle 7 of the House Extension and Alterations SPD.

In relation to neighbour relations, a footnote has been attached to remind applicants that Kirklees Council has powers to control excessive noise from construction sites, dust, smoke and artificial light and are able to serve an abatement notice to avoid repeated impacts for residential amenity.

On balance, the proposed development would ensure no significant additional residential impacts on overlooking, overshadowing and overbearing as a result of this development in compliance with the relevant principles of the House Extension and Alterations SPD, LP24 of the Kirklees Local Plan and guidance within the NPPF.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 14 – Drainage and flood risk, Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The Highways Design Guide advises that new dwellings should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces. Currently three are indicated within the application site at the end of the close on plans. Whilst the indicated cars on plans submitted are 2m by 4.6m approximately which is under the 2.4m by 5m sought by Officers, there appears to be more than sufficient space to provide off-street parking spaces for at least two cars. There are regular bus links to Huddersfield within 3 minutes walk and to the nearest centre at Lindley which is within reasonable walking distance towards Lindley albeit down a steep slope in good conditions. The undersupply of parking for three cars can reasonably be supported by the frequent public transport links to centres and access to services.

This area is presently hard surfaced with a shed within the site's front amenity space and a neighbouring raised lawned space to the front boundary softening the setting.
The flag stones present may need to be removed and therefore to aid drainage and highway safety a condition is to be placed for this area to be surfaced with permeable surfacing or laid to falls towards a permeable soft ground away from the highway. Whilst there is no landscaping present on plans, it is within extant Permitted Development Rights to wholly install surfacing for vehicles as long as it meet standards to prevent surface water run off affecting drainage/sewers.

There may be required changes to the kerb to drop the kerb in which a footnote is attached to ensure that a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges) is carried out to ensure no damage to pipes or utilities below the pavement.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would have at least two off street parking spaces within the site, supported by sustainable transport links to mitigate against intensified use with sufficient drainage ensured by condition and therefore would not cause additional harm to highway safety.

It is anticipated the bin storage and collection arrangements would not materially changes as a result of the proposal.

5 – Other matters:

Climate Change

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, this includes Key Design Principles 8-11 and 14 of the SPD.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. It would have permeable surfacing to the front space to prevent surface water run off to drains which would minimise the energy demands of purifying the sewage water for potable use. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, and additionally would use low embodied materials in natural stone, this would be beneficial to the original building's energy efficiency and would contribute positively towards carbon reduction.

Biodiversity

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, it suffers from poorly linked tree coverage and is over 350m to the nearest Kirklees Wildlife Habitat Network. In addition, the proposal is relatively modest to an approximately 80s build property with well-sealed roof/verges and therefore considered unlikely that the proposal would have an impact on the bat population. In this instance, a bat box was not required to fulfil biodiversity net gain considering the small-scale proposed development.

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.

Land Stability

The site is not potentially contaminated land and it is within a Low Coal Risk Area.

Policy LP53 states that: *"Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment."*

Reference is made by a third party to development's identified at risk of instability. The National Planning Policy Framework states that under paragraph 184 *"Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*
Due to the small scale nature of the proposal and there is no record of land instability in the locality, it is not considered necessary to request more information in relation to land stability, especially in relation to guidance in the NPPF and of the proposed development. An informative could also be attached reminding the applicant of their responsibility to ensure that Building Regulations are followed in relation to land stability.

6 – Representations:

Two representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2022/91839

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP 1, LP 2, LP 20, LP 21, LP 22, LP 24, LP 30, LP 33, LP 51 and LP 53 of the Kirklees Local Plan, Principles 1- 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 9 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and 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, Principles 1 and 2 of the Council's House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Prior to the hereby approved extension being first brought into use, two parking spaces measuring a minimum of 2.4 metres wide by 4.8 metres long shall be provided within the site outlined in red on the hereby approved 'Proposed Floor Plans, Elevations and Site Plan. Drawing No. 117-22-PL02. Revision: C.' The spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Plannin Policy Framework and to accord with Principles 14, and 15 of the adopted 'House Extension and Alterations SPD'.

FOOTNOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way and that they are reminded that land stability is the responsibility of the applicant to control as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan.	Drawing No. 117-22-PL03.	A	26/05/2022
Existing Floor Plans, Elevations and Site Plan.	Drawing No. 117-22-PL01.	A	26/05/2022
Proposed Floor Plans, Elevations and Site Plan.	Drawing No. 117-22-PL02.	C	02/09/2022

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 undertook negotiations with the applicant to secure amended plans to ensure the scheme closely met the design guidance in the House Extension and Alterations SPD.

Report Dated: 03/10/2022