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:	**2022/62/91923/W**
Site Address:	25, Whitebeam Park, Birkby, Huddersfield, HD2 2GZ
Description:	Erection of single storey rear and first floor side extensions and new boundary wall and fence with partial regarding of land within rear garden
Recommending Officer:	Ellie Worth

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: 22-Aug-2022

Site description
25 Whitebeam Park, Birkby is a detached two storey dwelling faced in stone with a tiled roof. Its design features include turned gables to the front elevation. Attached is a double garage to the eastern side elevation, which will be retained as part of this proposal. To the front is a large driveway with private amenity space to the rear. Boundary treatment consists of timber fencing and a concrete blockwork wall.

The site is situated within a wider residential area, whereby the neighbouring properties appear to be relatively large. The site is unallocated on the Kirklees Local Plan.

Description of development
Planning permission is sought for the erection of a single storey rear extension, first floor side extension and new boundary wall and fence and partial regrading of land within rear garden. The measurements of the proposal are as follows:

First floor side extension:
- 5m in width
- 7.3m in depth
- 4.8m in height to the eaves; 8.5m in overall height
- Its front wall would be flush with the front wall of he existing dwelling

Single storey rear extension:
- 7m in length
- 4m in width
- 2.3m in height to the eaves; 3.5m in overall height

Proposed boundary fence
- 1.8m from the applicants ground floor level; 2.7m to include stone boundary wall below

The extensions would be constructed from artificial stone with a grey concrete tiled roofs to match the materials used on the host dwelling. The windows would be finished in timber and painted white to match.

Internally, the works would provide additional living accommodation, however, 4 bedrooms would be retained. On-site parking would also be retained on the driveway to the front of the dwelling.

The new boundary fence would be constructed from art stone with a timber fence above.

History of negotiations/amendments received
Officers have some reservations regarding the size and scale of the rear extension, however, no amendments have been provided and therefore a balanced approach has been taken.

Relevant planning history
<u>At the application site:</u>

No recent planning history at the site.

Neighbouring properties:

- 2022/90745 – Erection of garden room gym/store – Granted (27 Whitebeam Park)
- 2020/92572 – Erection of two storey rear extension, dormers to front and rear, relocation of solar panels and alterations – Granted (27 Whitebeam Park)
- 2020/91904 – Erection of two storey and single storey extensions, conversion of integral garage to living space and external alterations – Granted (12 Whitebeam Park)

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 the 19th July 2022. As a result of the above publicity, no representations have been received.

Consultation responses

None necessary.

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.

Kirklees Local Plan:

• LP 1 – Achieving sustainable development
• LP 2 – Place shaping
• LP21 – Highway safety
• LP22 – Parking
• LP24 – Design
• LP30 – Biodiversity and geodiversity
• LP51 – Protection and improvement of local air quality

Supplementary Planning Documents (SPD)

• Highways Design Guide
• House Extensions and Alterations.

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, Coastal Change and Flooding
- **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 highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development
The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"

Chapter 2 of the NPPF goes onto further state that objectives should:

"support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places…"

In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

Policy LP1 goes further and states:

"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."

In this instance, it could be stated that the principle of development of this application is acceptable, but this is subject to an assessment of impacts on

visual and residential amenity, as well as highway safety and any other impacts that may arise. This will be undertaken below.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be 'subservient to the original building' and 'in keeping with the existing building in terms of scale, materials and details.'

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *"the creation of high-quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character, including the surrounding built environment.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- 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 of the House Extensions and Alterations SPD also provides guidance for specific types of extensions and alterations which will be referred to.

In this case, it has been noted that the applicant is seeking permission to build a first floor extension above the existing garage and to extend the property out to the rear, at single storey by 7m.

First floor side extension

Section 5.3 of the House Extensions and Alterations SPD relates to side extensions, with paragraph 5.21 of this SPD stating that "*spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses."*

Paragraph 5.22 of the SPD goes onto state that: *"first floor side extensions should:*

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

In this case, whilst a wide, the extension would on balance be visually smaller than the original house in terms of its width and would sit above an existing garage. However, it would sit flush with the principal elevation (excluding the projecting turn gable) rather than 0.5 metres back. That being said, the design of the roof form would match the existing, with a separation distance of 0.9m being retained to the shared boundary. The neighbouring property at no. 23 is also somewhat orientated away from these neighbour's principal elevation and therefore, appears to create a slightly larger gap between the two dwellings. As such, the minor shortfall could be acceptable.

Overall whilst taking into account the above, it is noted that the development does not comply wholly with the SPD, however, weight has been afforded to similar development within the locality and therefore the works would not result in detrimental harm to the visual amenities of the locality.

Single storey rear extension
Section 5.1 of the House Extensions and Alterations SPD provides guidance for rear extensions. Paragraphs 5.1 and 5.2 within this section of the SPD state that:

"Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- *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.*

As a general rule, a rear extension should:

- *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."*

Paragraph 5.5 of the SPD goes on to state that: *"Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful*

consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours."

Paragraph 5.6 of the SPD further states that single storey rear extensions 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.

In this case, it has been noted that the single storey extension would be in keeping with the style of the existing house and would benefit from a simple roof form to match. The projection of the extension would be 7m and whilst significantly larger than the above guidance, its overall width would be no greater than 4m. In addition, the host property is considered to be a relatively large dwelling in a generous plot, therefore preventing this extension from dominating the host property, and due to its siting this extension, it would not be highly noticeable from the public domain.

Officers have requested amendments for the extension to be set off of the boundary by 1m, however, the agent has confirmed that this is not possible due to a current man hole running near the dwelling. As such this has been acknowledged, and this is not considered to have a detrimental impact on visual amenity or alter any access arrangements.

In terms of materials, the extensions would be constructed from artificial stone with a tiled roof to match the materials on the host dwelling. Such materials are considered acceptable by officers.

With regards to fenestration the windows proposed would be in keeping with those that currently exist. To the rear, large areas of glazing are proposed including bi-folding doors to the side elevation. Such openings have been considered acceptable as they would aid passive solar gain and provide a flexible space for the applicant.

Lastly, in terms of the proposed boundary treatment, the plans show a new boundary wall and fence to be erected between the application site and no. 23. Due to the change in levels between these neighbours the timber fencing would stand tall at 1.8m on the application site but would be viewed at 2.7m from these neighbour's outdoor space. The re-grading of the land would also allow for the stone wall to be erected and therefore would not result in any wider visual concerns.

As such, the new boundary treatment has been considered acceptable, as it would aid privacy for both parties. It would also be well concealed within the site and would be of a similar size to neighbouring properties.

Therefore, having taken into account the above, on balance, the proposal would be an acceptable addition to the host property and would prevent undue harm to the character of the area and the wider street scene, complying with Policy LP24 of KLP, Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3. Impact on residential amenity
Section B and C of LP24 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 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity. These include:

- 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 - that *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."*
- Principle 6 - that *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*
- Principle 7 - that *"extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."*

The impact of the development on each of the surrounding properties most likely to be impacted by the proposal will be assessed in turn.

23 Whitebeam Park
These neighbours are situated to the East of the application site and are situated on a slightly lower level given the changes in topography within the wider area. Nonetheless, in terms of the first floor side extension, this would be situated against no. 23's blank side elevation, with these neighbours also being situated further forward into their plot. As such, there would be no overbearing and overshadowing upon their principal openings. With regards to the rear

elevation, there would be a slight overlap of 1.2m, however, having undertaken the site visit, it is considered that any impact would not be material, especially as the set off would prevent a horizontal 45 degree line being breached from the nearest rear facing windows. This is also due to these neighbours being situated to the east and therefore any minimal overshadowing would only be visible within an evening. Given the fact that a sufficient outlook would still be retained from no. 23's nearest rear openings, officers are satisfied that any overbearing and overshadowing would not be material.

In terms of overlooking, the submitted plans show no side windows to be proposed within the first floor extension. Future first floor side openings would also need to be obscurely glazed to accord with the GDPO, unless formal planning permission is sought. First floor rear facing windows would only achieve oblique views over the rear garden of No.23.

The rear extension would also be situated at the opposite side of this neighbouring property and therefore would have no undue impact upon these neighbour's amenity. More specifically, given the change in levels, the outlook from the bi-fold doors would look out over these neighbour's private amenity space rather than directly onto it. The majority of the outlook would also be obscured by the proposed boundary treatment.

Lastly, in terms of the boundary fence, this would have some overbearing impact upon these neighbour's outdoor amenity space, however, they benefit from a relatively large garden and therefore any impact would not be undue. The fence would provide the well needed privacy to restrict any overlooking and therefore this benefit is considered to outweigh any harm.

As such, the impact upon these neighbour's amenity can be supported.

27 Whitebeam Park

These neighbours are situated to the west of the application site and are located on a higher level. In this case, the side extension would be situated at the opposite side of the host property and would not protrude beyond the front or rear walls. It is therefore considered that this would not cause any additional impact upon these neighbour's amenity.

The changes in levels, the siting and orientation of this property within its plot and the boundary treatment currently in place between these neighbours, also means that the rear extension would not have any material overbearing and overshadowing impact upon their amenity. Of note, the rear wall of the extension would only just protrude beyond the rear wall of No.27. The submitted plans also show no additional windows to be inserted into the western elevation. This would restrict any undue overlooking, with any future openings only having an outlook onto the existing boundary wall. Therefore, it is not considered necessary or reasonable to withdraw permitted development rights for new openings within this elevation.

10 and 12 Whitebeam Park

A separation distance of at least 21m would be retained to the nearest front elevation at these neighbours and therefore any overbearing, overshadowing and overlooking from the bulk, massing and openings contained within the first floor side extension would have limited impact upon these neighbours amenity.

7 and 8 Birchroyd Close
These neighbours are situated to the rear of the site whereby a separation distance of at least 20m would be retained from the rear elevation of the rear extension. The majority of the extension would also be screened by the existing boundary treatment. As such, there would be no further impact upon these neighbours amenity.

Occupier's amenity
As the majority of the rear garden area would be maintained, it is considered that there is compliance with Principle 7 of the House Extensions and Alterations SPD.

Overall, it has been considered that the impact on residential amenity is acceptable and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan, Chapter 12 of the NPPF and Principles 3-7 of the Council's House Extensions and Alterations SPD.

4. Impact on highway safety
Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

The Kirklees Highway Design Guide and the House Extensions and Alterations SPD state that 4+ bedroomed dwellings should provide 3 off-street parking spaces.

In this case, officers have noted that the dwelling benefits from three off street parking spaces to the front of the dwelling. The double garage would also be retained, however, it would not be suitable for the parking of a vehicle. Nonetheless, the dwelling would provide the recommended number of off street parking spaces and therefore can be supported, in line with the aforementioned policies.

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 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.

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. Principle 10 notes that extensions should consider the use of renewable energy, whilst Principle 11 discusses designing water retention into proposals.

In this case, due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the use of glazing to habitable windows would aid passive solar gain and reduce the need for artificial light.

Biodiversity

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."* In this instance it is not considered proportionate to request enhancement measures.

6. Representations

None received as a result of the above publicity.

7. Conclusion

The NPPF has introduced a presumption if 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 proposed development, on balance, would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers
Application Number: 2022/91923
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 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, LP30 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used on the host building. The extensions shall thereafter be retained in this finish.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays
- 08.00 and 13.00 hours Saturdays
- With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	LP01	-	6th June 2022
Existing floor plans, site plan and elevations	2022/024/01	-	6th June 2022
Proposed floor plans, site plan and elevations	2022/024/03	B	10th June 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 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. In this instance, officers had reservations regarding the size and scale of the rear extension, but no amendments were submitted and therefore a balanced approach has been taken.

Report Dated: 19th August 2022