# 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: | **2022/62/92311/W** |
| Site Address: | 56, Highgate Avenue, Lepton, Huddersfield, HD8 0EE |
| Description: | Erection of single storey rear extension |
| Recommending Officer: | Laura Yeadon |

**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: 08-Sep-2022**

## Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/92311

## Site Description

56 Highgate Avenue is a semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from red brick and has a concrete tiled roof. The property hosts a two storey side extension which projects off the rear elevation at ground floor level and has a hardstanding area to the front of the property with a lawned garden area to the rear. Due to topography, the dwelling is set on a lower ground level than the neighbouring pair of semi-detached properties. The surrounding area is comprised of mainly residential properties. Separating the rear boundary of the site with the garden areas to the properties on Rowley Lane is a Public Right of Way (Ref: KIR/78/10).

## Description of Proposal

The application is for the erection of a single storey extension. It is proposed that the existing rear extension to the extended section of the property would be removed and replaced with a new extension.

The measurements of the proposal are as follows:

- 3m in projection
- 9.5 m in width
- 2.6m in height to the eaves; 3.5m in overall height

The proposed extension would be finished with render and would have 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.

## Relevant Planning History

1992/05604 Erection of two storey extension
*Conditional Full Permission*

## 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, site notice and newspaper advertisement.

Final publicity date expired 26th August 2022

Kirkburton Parish Council – replied with 'no comment'.

As a result of the public consultation period no representations have been received

**Consultation Responses**

None 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 without notation on the Kirklees Local Plan.

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 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:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

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

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
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 adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the 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."

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

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

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.

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.

The property also has full permitted development rights.

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 proposed extension is single storey in height and therefore subservient to the host, two storey dwelling as required by Key Design Principle 2 of the SPD. Whilst the property has been extended to the side by a two storey extension, the proposal is for a single storey rear extension which would span the width of the original and extended section of the dwelling. The original roof form and first floor rear elevation would still be clearly read.

The design is a simplistic lean-to structure which would sit under the cill of the upper floor windows.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outside space is retained. In this instance, as demonstrated on the submitted site layout plan, the works are not considered to result in an overdevelopment of the site with a usable garden space remaining. The development is therefore considered to comply with this principle.

The extension does not cover more than half the amenity space as required and does not exceed 3 metres in projection from the rear of the property nor exceed 4 metres in height. Whilst it is noted that a gap of at least 1 metre would not be achieved between the extension and the shared boundary with the attached neighbouring property, the application site hosts full permitted development rights and therefore, a structure of similar dimensions (subject to criteria) could be constructed up to the shared boundary without the

requirement of planning permission. It is therefore considered unreasonable to refuse the application based upon not meeting the criteria of this part of paragraph 5.6 of the SPD in this specific case.

The extension is located to the rear of the property and whilst may be viewed from the PROW to the rear of the property, due to the dense screening, it is not considered to be an intrusive or incongruous structure and would therefore comply with Key Design Principle 1 of the SPD. Furthermore, it is of a simplistic design that would not appear jarring when viewed the host property or wider rear 'street scape'.

It is proposed that the extension is rendered which would not match the host dwelling which is red brick. Due to being located to the rear of the property, it is not considered that the differing construction material would be intrusive within the street scene. Furthermore, a significant element of the rear elevation is given over to glazed openings which limits the amount of solid walling proposed.

The extension 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, 7 and 9 of the Supplementary Planning Document on House Extensions (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.

In terms of overlooking there are proposed opening within the rear elevation and rear roof slope of the extension. As these openings would face the garden area of the property, there are minimal concerns regarding overlooking.

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, due to the location of the patio doors in the attached neighbouring dwelling, the 45 degree line would be cut. However, the extension would be located to the north-east of this neighbour and therefore the neighbouring dwelling may suffer from a loss of direct sunlight in the early morning hours as a result of the development. However, as the structure is single storey in height, it is not considered that its presence would cause undue harm from being

overbearing. The windows in the affected property would still enjoy and open aspect and access to direct sunlight.

In terms of the adjacent property, this is set on a higher ground level where existing screening is in place. This property has also been extended to the side and rear and the submitted proposed site plan demonstrates that the building line of the neighbouring extension would be comparable with the proposed extension to the application site. As such, there are minimal concerns regarding the impact of the scheme on this property.

Therefore, it is considered that the proposal would comply with Key Design Principles 5 and 6 of the SPD. This also takes into account that a similar structure could be built utilising permitted development rights.

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 works to the property would be to the rear and therefore would not impact on existing parking or highway arrangements, in accordance with Key Design 15 of the SPD.

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.

There is a PROW to the rear of the property and this application has been publicised as potentially impacting on the setting of this footpath. Following a site visit, it is clear that the development would not impact directly or indirectly on the footpath or the experience of users of this footpath. Nevertheless, it is advisable to include an informative note to make it clear that this footpath should not be obstructed.

5 – 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.

As the extension would be constructed from modern building and construction techniques, the extension would increase the thermal efficiency of the property.

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:** 2022/92311

**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, LP6, LP21, LP22 and LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 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, 14 and 15 of the National Planning Policy Framework.

3. The 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 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 Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Public footpath KIR/78/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location plan, existing and proposed elevations and floor plans | 01 | | 7th July 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.

**Report Dated:** 8th September 2022

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