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:	**2022/62/92324/E**
Site Address:	8, Hillcrest Avenue, Healey, Batley, WF17 7HW
Description:	Erection of two and single storey rear extensions
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 28-Oct-2022

OFFICER REPORT

Site Description

8, Hillcrest Avenue, Healey, Batley, is a two storey detached buff brick dwelling which currently benefits from a private rear garden and a driveway.

The area is residential in nature with dwellings of varying scale and design; the application dwelling is significantly different to neighbouring dwellings in the street scene.

The site resides within a low-risk coal area.

Description of Proposal

This application has been received for a two storey and single storey rear extension.

The two storey rear extension would project 6m beyond the rear elevation of the existing dwelling, have a width of 4.9m, a maximum height of 7.7m with an eaves height of 6m. This would feature a pitched roof.

The single storey element would have a maximum height of 3m with a flat roof.

The proposal would be constructed with all external facing materials matching the existing dwelling.

Relevant Planning History

No relevant History at the application site.

2021/94266/: 8A Hillcrest Avenue: Erection of extensions and dormer windows to rear. Approved

Representations

The application was advertised by neighbour letters, which expired on 22/08/2022.

No representations were received.

Consultation Responses

KC Highways DM: No comments received

KC Environmental Health: No comments received

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

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.

Kirklees Local Plan Policies

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

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now 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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 12 – Achieving well-designed places
- Chapter 13- Protecting the Green Belt

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) Negotiations
7) Conditions
8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states 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. Furthermore, Key Design Principle 2 of the HESPD goes onto state 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 details.

The host property currently benefits from approximately 84m^2 of private amenity space, Should the proposal receive permission, there would be approximately 56m^2 of amenity space retained for the occupiers of the dwelling. Therefore, it is considered that the dwelling and its associated curtilage are of a sufficient size to support the proposed side extension whilst retaining a reasonable amenity space.

Section 5.8 of the Kirklees House Extensions and Alterations SPD refers to two storey rear extensions and states that extensions should be:

- proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre
- and not adversely affect habitable room windows where they adjoin a neighbour's boundary

The proposal is of significant scale in comparison to the host dwelling and would extend more than 4m beyond the rear elevation of the existing dwelling (when taking into account the existing conservatory). It is acknowledged that the rear element of the proposal would extend 6m beyond the dwelling which is larger than outlined as acceptable in the SPD; however, the existing dwelling has a footprint of approximately 109m^2 and the main two storey element of the extension would have a footprint of approximately 34m^2. It is considered that given the context of the existing dwelling, the increase in footprint would not be overly dominant to the host dwelling; the property has a single storey conservatory on the site which would be removed for the development to be constructed and despite the proposal being 6m and of a two storey scale, due to the property being detached, an 8m single storey extension could be constructed through the larger home notification process. Therefore, the principle of a larger extension would be considered acceptable in this instance.

It is considered that, as the proposal would be situated to the rear of the host dwelling and therefore not be overly prominent, constructed using matching materials, leave sufficient amenity space for future occupiers of the dwelling, and features details sympathetic to the original design of the dwelling, the proposal would be considered to be acceptable in terms of visual amenity and would integrate with the host dwelling.

There is a variety of properties along Hill Crest Avenue of differing scale and design. Therefore, an extension to the dwelling would not be discordant to the

existing street scene and would not significantly harm the wider character of the area.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with the principles of the House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The extension would not cover the entire amenity space of the application property, and it is considered that the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

The neighbours affected by the proposal are assessed as follows:

8A Hillcrest Avenue: adjoins the application property to the north. The properties are currently separated by a 1.8m fence and their driveways. The property has recently received permission for the erection of extensions and dormer windows to rear.

Overlooking: The proposal would feature one side facing window at first floor level relating to a bathroom and an additional side facing window at ground floor level within the original part of the house for a dining room. It is expected that the first floor window would be obscurely glazed due to it serving a bathroom. The ground floor window would be screened by the boundary treatment between the two dwellings. Therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light: no.8a has two side facing windows and a side facing door. The glazing is obscured in these windows; however, from reviewing the existing plans submitted to support application 2021/94266 it is understood that the first floor window serves a bedroom and is therefore habitable. The proposed alterations would not extend beyond the side elevation of the existing property and would therefore not be any closer to no.8A than the existing dwelling. The host property currently sits within the

horizontal 45 degree visibility splay of the side facing windows at no.8A but not the vertical and this relationship would be retained should the proposal receive permission. If the recently approved extension to no.8A was constructed, this would introduce additional windows into the rear elevation of the property and the relationship would still be considered acceptable.

Overbearing: The proposal would not extend beyond the side elevation of no.8 and therefore would retain existing separation distances between the properties. Whilst the extension will project 6 metres from the rear elevation, there is an existing projection to the rear that will be removed and the garage of both dwellings would be retained next to the private amenity space of no.8a and therefore no significant issues would arise regarding overbearing from the extension. There is a two storey structure to the rear of no.8A which is situated on the rear boundary of the property; it is considered that, due to the proposal retaining existing separation distances between the properties, it would not create an unacceptable overbearing impact to the occupiers of no. 8A

No.6 Hillcrest: adjoins the application property to the south
Overlooking: the proposal would feature two first floor side facing windows relating to a bedroom. The separation distance between the two properties is 17m. It is considered that this is sufficient distance to mitigate against any potential overlooking as no.6 does not feature any side facing windows serving habitable rooms.

Overshadowing/loss of light/overbearing: Due to the separation distance between the dwellings, there would be no issues raised regarding overshadowing/loss of light/overbearing.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, due to the proposal not impacting existing parking arrangements on site, the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD .

5– Other matters:

Carbon Budget

The proposal is a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

.6 – Representations:

No representations received.

7 – Negotiations:
N/A

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect a rear extension to 8 Hillcrest avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2022/92324
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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls facing 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, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Unless otherwise agreed in writing by the Local Planning Authority no windows or other openings shall be made in the extension other than those shown on the approved plans, including at any time in the future.
Reason: To ensure the satisfactory protection of the residential amenity of neighbouring residents in accordance with Policy LP24 of the Kirklees Local Plan and the Key Design Principles of the House Extensions and Alterations SPD.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 13.00hours, 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 the works may be carried out.

Plans and specifications schedule: -

Plan Type	**Reference**	**Date Received**
Location Plan	22248-D01 REV:A	11/07/2022
Grouped Plans and Elevations: Proposed Elevations	22248-D02 REV:A	11/07/2022

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.

no alterations required