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:	**2022/62/92329/W**
Site Address:	116, Norwood Road, Birkby, Huddersfield, HD2 2XX
Description:	Demolition of existing garage and erection of single-storey rear 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: 13-Jan-2023

Officer Report

Site Description

2022/92329 116, Norwood Road, Birkby, Huddersfield, HD2 2XX

The application site relates to a two-storey, semi-detached dwelling with hipped roof. It is faced with brick and pebble dash render to front and render to side and rear elevations and has concrete tile roof. It has a front amenity space, driveway leading up its side to an existing outbuilding and a rear external amenity space.

In the locality, on the south side of Norwood Road, properties are residential, of semi-detached design and are of similar material palette. Properties to the northeast side are of varying character, material palette and style. Opposite the application site is a Kirklees Wildlife Habitat Network consisting of woodland.

Description of Proposal

It is proposed to demolish the existing detached outbuilding (garage) and erect a single-storey rear extension. All figures are approximate and in metres.

The demolition of the garage could potentially be permitted development and would serve to facilitate the construction of a single-storey rear extension which is of stepped design and with a lean-to roof.

The rear extension would cover the whole width of the rear elevation. It would extend ~3m from the rear close to the shared boundary with No.118, but would project ~4m on the other side. Overall the proposal would have a ridge height of ~3.8. Its eaves height adjacent to the paired neighbour would be ~3m and for the larger rear extension element would have an eaves height of ~2.75m.

Openings would be to rear only with two skylights to roof. It would be finished in render and tiled to match the host. It would allow an internal reconfiguration for the host to have a larger living/dining space, and kitchen within the extension and new shower-room within the host.

To the host, a door would be changed into a window serving the shower-room on the flank elevation.

Two off street parking places are set out within the front amenity space.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the scheme to be more in keeping with the House Extensions and Alterations SPD. It was previously proposed to be ‘*erection of two storey side and rear*

and single storey rear extensions and rear dormer with front porch roof alterations.' Revisions to plans were received to ensure that plans were more consistent with this SPD.

Relevant Planning History

No previous planning applications for this site.

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 following the revised scheme was re-sent out to neighbours for comments and had expired on: 30/12/2022

No representations have been received.

Amended plans were received post re-advertisement with neighbours but were minor in nature and no additional notable impacts to residential and visual amenity were proposed (i.e. it was not considered that such a significant reduction to the scheme would have a greater impact and therefore this would not prejudice third parties)

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.

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 28 – Drainage**
- **LP 51 – Protection and Improvement of Local Air Quality**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan outlines that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.
2 –Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is 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."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and *"c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Principle 1 of the Kirklees House Extensions and Alterations 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. In addition, Principle 2 of this SPD states 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 advice on specific extensions and alterations. Section 5.1 relates to rear extensions and states the following:

"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…*

…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

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Single storey 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."*

The single-storey rear extension would have a lean-to roof set against the two-storey host building which would achieve a subservient design, also aided by its proposed depth. It would not go beyond the side walls of the dwelling too. It would be faced in render and roofed in the same tile to match the host's materials. The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The rear extension would be adjacent to the neighbouring paired dwelling projecting, 3m with a limited ridge height of 3.8m meeting guidance in that respect. Its eaves height adjacent to the paired neighbour would be 3m and would not have the benefit of a separation gap to the boundary. This was raised to the agent and they stated that a similar relationship could be achieved under Class A, Part 1, Schedule 2 of the General Permitted Development Order (i.e. without the need for permission). A larger householder application would be required for this extension however, given it is in excess of 3m from the rear wall, but it is noted that the part of the extensions closest to the neighbour is 3 metres in depth.

As noted, the extension would then be extended further to be 4m from the rear but this element would be set off ~3m from the shared boundary with the attached No.118 and set 2.5m of the shared boundary with No.114 allowing for access to the rear of the property still. Given the above factors it is considered that the extension would not appear cramped on the site.

A new window would be created in place of an existing partially glazed door on the side elevation of the dwelling which would be a minor visual alteration to the host which does not require planning permission.

It would be situated to the rear, with a reduced visible quantum of development from the highway, following the demolition of the existing garage, and thereby of minimal impact on the streetscene. In addition, the

design and detailing would be sympathetic to the host and the proposal is considered to be in compliance with Principles 1 and 2 of the SPD.

The additional parking space to the front amenity area would be behind a boundary wall and could be carried out under available Permitted Development Rights subject to condition outlined in the General Permitted Development Order (GPDO) (discussed in drainage). As such, while this would increase hard-surfacing and a more car dominant area to the front of the property, site visits indicate visual clutter from many cars in the streetscene being parked between the driveway and the pavement. It could be considered that parking provision within the front amenity space away from the pavement and discretely parked behind boundary walls may reduce visual clutter in the streetscene overall and be acceptable therefore.

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 accord with Policy LP24 of the Local Plan, Principles 1-2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

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.

It is considered that the properties most likely to be affected by the development are the adjacent No. 118 (northwest) and No. 114 (southeast). It is considered that the extension would be sufficiently sited so as to prevent harm to any other neighbouring properties, including those to the rear, in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Considering No. 118 (which is attached to No. 116), the proposal would be limited to a 3m projection adjacent to the shared boundary, however this would not retain a 45° field of outlook for the neighbour's adjacent large, proportioned window similar to No. 116. The Officer was advised by the agent that Permitted Development Rights are extant and may in theory have a larger extension with greater impacts. As alluded to above, the applicant could in theory have a 3 metre deep extension of a similar height, but further away from the shared boundary, the extension then extends to 4 metres. However, the set off of the 4 metre deep element from the side element is considered sufficient to prevent undue harm to No118 in terms of loss of light and overshadowing. It is considered that the modest 3m projection element with a single-storey design would result in some overshadowing and loss of outlook, but this is not considered to be undue given that the projection is modest and especially given what permitted development rights allow for. There would be no flank windows for loss of privacy or overlooking and the large window would still have reasonable levels of light and outlook. In this particular instance, the proposal would avoid undue impacts on residential amenity in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

With regard to No. 114, the proposal would remove a garage off the shared boundary and No. 116 would have a single-storey rear extension adequately set off from this shared boundary to prevent additional detrimental harm to No.114 in terms of loss of light, loss of outlook and overshadowing. A new window serving the shower-room would be in place of an existing doorway and opposite the neighbour's side wall which hosts windows, but this element does not require planning permission. There would be no further windows facing the property from the extension. The proposal would therefore prevent undue harm to No.114 in terms of overlooking, overbearing or overshadowing.

With reference to Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a sizable, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b and the principles relating to residential amenity of the House Extensions and Alterations SPD, as well as Chapter 12 of the NPPF

4 – Impact on highway safety (including drainage):

Turning to highway safety, Policies LP21, LP22 and LP28 of the Local Plan and Principles 14-16 of the House Extensions and Alterations SPD have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Design Guide advises that proposals should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited, as does Principle 15 of the Houses Extensions and Alterations SPD. The existing outbuilding to be demolished does not meet the internal space specifications of the Highways Design Guide SPD when considering modern

vehicle sizes in relation to being able to accommodate a car. The property would retain its existing bin and driveway arrangements and would not intensify use through additional bedrooms.

As previously mentioned, an additional proposed off street parking space would be within the front amenity space. Unfortunately, no landscaping is set out, however hard surfacing the front amenity space could be carried out under Permitted Development Rights subject to a necessary condition placed to ensure permeable surface or surface water falls to a porous area on site to comply with paragraphs 4.37 and 4.43 of the House Extensions and Alterations SPD and Paragraphs 4.41 and 5.12 of the Highways Design Guide SPD.

Subject to a condition placed on drainage for highway safety, the proposal would therefore not cause additional harm to highway safety under Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 14-16 of the House Extensions and Alterations SPD, the KC Highways Design Guide SPD and Chapters 9 and 14 of the NPPF.

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. When determining planning applications the Council will use the relevant Local Plan policies, the National Planning Policy Framework, the House Extensions and Alterations SPD (Principles 8-11) and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. However, it should be noted that the improved Building Regulations setting out high requirements for insulation and energy efficiency, and increased daylighting.

Biodiversity

For this proposal, Principles 12 -13 of the House Extensions and Alterations SPD are considered in conjunction with Policy LP30 of the Kirklees Local Plan.

Whilst it is acknowledged that the site is located within an identified bat alert area and close to a Kirklees Wildlife Habitat Network, the proposal for a single-storey rear extension are relatively modest and would not affect the existing eaves of the two-storey host. It is therefore considered unlikely that the proposals would have an impact on the bat population. 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.

In relation to how the proposal may contribute towards the enhancement of the natural environment and biodiversity, the minor scale of the proposed development allows the property to retain a sizable garden and does not seek to additionally impact on existing landscaping being confined to an area of hardstanding. This would therefore be broadly in compliance with Principles 12-13 of the House Extensions and Alterations SPD. Given this, no enhancements are considered necessary

Contaminated Land

The site is within a 250m buffer area of a historic landfill site and thus Policy LP53 of the Kirklees Local Plan is relevant, as is Chapter 15 of the NPPF. As a precautionary measure considering the minor scale of the development, a condition regarding the finding of unexpected land contamination is attached to the Decision ensure public safety and to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

No representations have 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: 2022/92329

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 LP1, LP2, LP21, LP22, LP24, LP28, LP30 and LP53 of the Kirklees Local Plan, Principles 1- 17 of the Council's adopted House Extensions and 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 adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either

(a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or

(b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the

approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure public safety and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. In relation to the additional parking space as set out on the Proposed Floor Plan (Drawing No. UD-496-21 Revision C), the hard surfacing 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 the hard surface for parking is drained adequately and to accord with Policy LP28 of the Kirklees Local Plan, the Highways Design Guide SPD, Principle 14 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

FOOTNOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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/Proposed Block Plan and Proposed Floor Plans	Drawing No. UD-496-21	C	11/01/2023
Proposed Block Plan	Drawing No. UD-496	A	21/11/2022
Existing Floor Plans	Drawing No. UD-496	-	11/07/2022

Plan Type	Reference	Version	Date Received
Location/Proposed Block Plan and Proposed Floor Plans	Drawing No. UD-496-21	C	11/01/2023
Existing Elevation Plans	Drawing No. UD-496	-	11/07/2022
Proposed Elevation Plan	Drawing No. UD-496-28	B	09/01/2023
Proposed Elevation Plans	Drawing No. UD-496-22	B	08/01/2023

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 considered the application on review and sought to reduce the scheme to be more in keeping with the House Extensions and Alterations SPD. It was previously proposed to be for the erection of two storey side and rear and single storey rear extensions and rear dormer with front porch roof alterations. Revisions to plans were received which provided a reduced scheme addressing case officer concerns in relation to visual and residential amenity.

Report Dated: 12/01/2023