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:	**2022/62/92456/W**
Site Address:	19, York Avenue, Fartown, Huddersfield, HD2 2QX
Description:	Erection of two storey side extension and front porch
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.

John Holmes

AUTHORISED OFFICER

Date: 24-Mar-2023

Officer Report

Site Description

2022/92456 – 19, York Avenue, Fartown, Huddersfield, HD2 2QX

The application site relates to a semi-detached two-storey dwellinghouse faced in mainly river pebbledash render with a base of coursed natural stone and a concrete tiled hipped roof. Of some note is the two-storey bay window mirrored by its paired neighbour which has an infill section in between. The highway is within a sloping topography with land falling from southwest to northeast and the site cuts into this slope being on lower ground to its adjacent western neighbour. The front amenity site is bounded by a stone wall and green hedging with a driveway, a moderately sized side amenity space and a small rear outside amenity space.

The area is residential of a similar age, material palette and style to each other with various extensions mostly to the rear.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. Permitted Development Rights are retained.

Description of Proposal

Erection of two storey side extension and front porch

All figures are in metres and approximate.

It is proposed to have a two-storey side extension set back from the primary elevation by 0.3m. It would be 3.8m width and 7.15m depth with a set down roof ridge height of 7.5 and to have its eaves match the host eaves in height.

A pitch roof front porch shall be positioned forward of the main body and beside the bay window on the host primary elevation. This would extend 1.6m overall from the main body of the host, 2.2m width and have a ridge height of 3.5m and eaves 2.6m from ground level.

The extensions would be finished to match the host in material, natural stone base and river pebble dashed render to the primary elevation with the side and rear finished in render only. The side extension roof would be hipped and the porch would be gable fronted with matching tile. The rear windows would be finished with stone heads to match the rear elevation. The other windows will be simply finished corresponding to the host's own at primary elevation.

Openings would be visually smaller to the host at the front, with a centrally located door to the porch with sidelights. Two large ground floor openings would be inserted to the flank elevation and a double door and windows would be inserted to the ground and first floor of the rear.

Within the site plan, two parking spaces have been demonstrated approximately in accordance with the 2.4m by 4.8m parking spaces required by modern vehicle sizes, with the removal of the boundary wall.

The proposal overall seeks to have a porch, and to add a living room to ground and two bedroom (one with ensuite) within the side extension. The old bedroom 3 would be a storeroom. This would have an additional bedroom to make the property a 4 bed property.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to improve the visual and residential amenity impact of the proposal. Those were to reduce the scale and width of the side extension, to have a set back side extension, change the roof form to hipped, and to amend the porch design to have a design that would be sympathetically integrated with the host. The parking layout was modified to ensure that there would be some landscaping remaining. Sections were requested to demonstrate the relationship of the proposed side elevation windows to its neighbour at No. 21. An amended design was submitted after considerable discussion and assessed accordingly under the SPD.

Relevant Planning History

None

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: 06/09/2022

No representations have been received.

Consultations

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

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

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extension and Alterations SPD
- Waste Management Design Guide for New Developments (Version 5, October 2020)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

<u>1 – Principle of development</u>:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
Policy LP24 of the KLP is also relevant supported by Chapter 12 of the NPPF and states that *"good design should be at the core of all proposals in the district".*

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:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, Key Design Principles 1 and 2 of the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be "subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".
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 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."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

> *- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
> *- c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

In addition of particular relevance in the SPD, Key Design Principle 1 – Local character and street scene: *"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." and Key Design Principle 2 – Impact on the original house: "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.".*
The SPD provides specific guidance (5.15, 5.19-5.20 on page 29) on side extensions to be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.
Two-storey side extensions should:

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

In this instance, the proposal would appear visually smaller with a 0.3m set back, set down roof ridge and a limited width to the host at 2/3rds its width. The minimal set back is designed to allow an adequate internal entrance to the new living room and provides some slight variation in depth in as much to have some subservience. The proposed development would not take up most of the space to the side of the property with a retained minimum gap to boundary of 1.7m and would appear subservient to the host with an adequate retention of space to property boundary serving to avoid terracing risk.
The proposal would be constructed with matching materials, fenestration and same roof form to the host ensuring that details, form and scale are adequately respected. The side elevation would have large windows to ground floor serving the living room which would be matching to the front elevation's and would appear in keeping as a result.
The SPD sets out design guidance on front extensions (5.13-5.14 on page 27) stating that they are highly prominent in the streetscene and can erode the character of the area if not carefully designed. Large single-storey extensions to the front of an existing house can appear overly intrusive and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened;
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area;
- The materials and design match the existing features of the original house;

The proposed porch development would be set back 5m to the pavement and has some green landscaping to its front serving to partially screen its prominence. It would extend modestly and be of matching materials to harmonise and appear as a small front extension while respecting the character of the original host's bay window design. While porches are not a design feature of the streetscene, the proposed design would not appear out of keeping given the varied architectural designs on the streetscene
The proposal would also retain sufficient garden space with a retained property gap to flank boundary to ensure that the scheme does not represent an overdevelopment of the site.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

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

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

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

KDP 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, KDP 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, KDP 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. KDP 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 21 (west), No. 17 (east) and No.s 36 and 38 Ripon Avenue (south).

No. 21

The two-storey side extension would have a hipped roof design set down from the host ridge, a minimally set back primary elevation, be on a lower ground level, have a retained property separation gap and being to the north of No. 21 aiding in the design to be visually smaller than the host adequately reducing overbearing and overshadowing impacts. It would have two large windows at ground floor facing the neighbour which would replace two existing windows at ground floor of the host and to remove one to the first floor moderately improving the existing relationship with privacy.

The Proposed Site Levels were provided demonstrating the relationship between those windows to the neighbour to ensure that no harmful overlooking or loss of privacy will result. The single-storey porch extension would extend forward of the building line of the neighbouring property with no side elevation windows and be positioned at sufficient distance so as to avoid unacceptable overlooking, overshadowing and overbearing impacts to this neighbour.

No. 17

The proposed side extension would be screened by the host ensuring no additional overlooking, overshadowing and overbearing impacts. The single-storey porch extension would modestly extend past the existing two-storey bay window largely screened by this protrusion and would have no side elevation windows to sufficiently avoid significant overbearing, overlooking or loss of privacy and overshadowing impacts.

No.s 36 and 38 Ripon Avenue

With regard to those properties to the rear, the proposed would have a separation distance of 14m to habitable windows, and would have openings to the rear. The properties at the rear are positioned to have their footprint and rear elevations rotated towards the proposed two-storey side extension with habitable windows affected. It is noted that there is a pre-existing relationship with overlooking and loss of privacy due to the estate design having closely arranged properties with small rear amenity spaces; the addition of more windows would have marginally oblique views, and would not significantly, subject to a condition to have the en-suite window to be obscure glazed, have an additional effect to the existing windows when considering overlooking and loss of privacy. The proposed side extension would be to the north of those properties and have a set down hipped roof ensuring that there would be no additional effects on overlooking, loss of light and overbearing. The proposed porch would be screened by the host's bulk and massing sufficiently to avoid any effects on residential amenity to those properties.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to KDP 7 of the House Extensions and Alterations SPD, the proposal would still retain its outdoor private amenity space to the rear available to future and present occupiers for privacy and use.

In conclusion, the proposal subject to a condition on obscure glazing to its ensuite window, would therefore be in general conformance with LP24b of the Kirklees Local Plan, KDP 3-7 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

<u>4 – Impact on highway safety</u>:

The Highways Design Guide advises that new developments should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited. For a 4 plus bedroom dwelling, it should have three off street parking spaces.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposal seeks to create two new parking spaces with the removal of a boundary wall; any further provision of parking to the front would have an overly dominant and hard surfaced area negatively impacting on visual amenity and against para. 4.43 of the SPD. Considering the impacts of the undersupply, the site is well supported for car free travel with close local facilities at Fartown Local Centre and sustainable transport with frequent bus links, in this instance, there would be no significantly detrimental impact on highway safety.

Bin arrangements have not been provided however the property has sufficient indicative space remaining to either the front or rear amenity space.

Subject to a condition on adequately drained parking surfaces and an informative added for applicants to have a s.184 agreement to ensure no adverse impact on utilities under the pavement and highway safety, the proposal would adequately comply with Policies LP21, 22 and LP28 of the Local Plan, KDP 15-16 of the House Extensions and Alterations SPD, the KC Highway Design Guide and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to embed the climate change agenda to achieve 'net zero' carbon emissions by 2038. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building envelope and would contribute positively towards carbon reduction.
Drainage
The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to approve the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a well-sealed roof and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware of their private responsibility on the discovery of any bats 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.
The development would be within an area of hardstanding with no impact on existing vegetation. Off street parking spaces have been limited to ensure that there be some landscaping to the front amenity space to soften and screen

the host's extensions. The proposal would, subject to the informative on bats, therefore have a neutral impact on vegetation and biodiversity and would comply with LP30 of the Kirklees Local Plan, KDP 12-13 of the SPD and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

7 – Conclusion:

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

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

Recommendation **Approve**

Decision Authorisation - Delegated

Application Number: 2022/92456

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 LP01, LP02, LP21, LP22, LP24, LP28 and LP30 of the Kirklees Local Plan, Key Design Principles 1- 17 of the House Extensions and Alterations SPD, 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 extensions 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, KDP 1 and 2 of the Council's House Extensions &

Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Prior to the hereby approved extension being first brought into use, two parking spaces shall be provided within the site outlined in red on submitted drawing titled 'Location Plan, Proposed Elevation and Floor Plans' ref:- 2215/02C. Revision: C. The spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21, LP22 and LP28 of the Kirklees Local Plan and to accord with KDP 14 of the House Extension and Alterations SPD and Chapter 14 of the NPPF.

5. The development shall not be in use until the first floor ensuite window to the rear of the two-storey extension (southeast elevation), has been obscurely glazed (minimum grade 4). Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan, KDP 3 and 4 of the House Extensions and Alterations SPD and advice in Chapter 12 of the National Planning Policy Framework.

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

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

FOOTNOTE: 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
Existing Location, Site, Layout and Elevation Plans.	Title: Existing layout and elevations. Drawing No. 2215/01.	-	20/07/2022
Location Plan, Proposed Elevation and Floor Plans.	Drawing No. 2215/02C.	C	20/03/2023

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 amendments to meet Local Plan policies on visual and residential amenity.

Report Dated: 20/03/2023