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:	**2022/62/92726/E**
Site Address:	12, Broomfield Terrace, Moorbottom, Cleckheaton, BD19 6AH
Description:	Erection of two storey front extension
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Jun-2023

Officer Report

Site Description

12 Broomfield Terrace is a two-storey, mid-terraced dwelling in Moorbottom, Cleckheaton. The western elevation of the property is partially set back from the highway, creating a small yard to the front of the dwelling and there is a larger garden area to the rear. The front elevation of the property is finished in off-white render with slate roofing.

The property is located in the middle of a residential terrace. The other properties within the terrace are similar in terms of design and size but vary in finishing materials. It is noted that other properties within the terrace had had front extensions erected.

Description of Proposal

The applicant is seeking permission for the erection of a two-storey front extension.

It is noted that the design of the property poses architectural detail on the eastern elevation, with the western elevation hosting less architectural features of a typical principal elevation. However, the western elevation fronts the highway, and therefore for the purposes of this application, will be referred to as the front elevation. The description of proposal is therefore considered appropriate in this instance.

The proposed development would project out from the front elevation of the property. It would be two storey and would align with the existing two storey element to the front of the property. It would have the same roof pitch and height as the existing property. The proposed would be finished in materials to match the existing property.

History of negotiations/amendments received

The original application form had the incorrect certificate of ownership signed. The correct certificate was signed, and the application form was updated. No readvertisement was considered necessary as all neighbours had been notified of the development and the affected neighbour would be notified as part of the certificate B signing process.

A Bat Scoping Survey was requested and submitted as this application is within a Bat Alert Layer and would affect the roof of the property.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by neighbour letter. Final publicity expired 02/11/2022.

No representations were received.

Consultation Responses

KC Ecology: No objections.

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).

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – 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 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 12 – Achieving well-designed places

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 (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 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

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees House Extensions and Alterations SPD reflect the above. The Kirklees House Extensions and Alterations SPD states "front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed".

Paragraph 5.14 of the Kirklees House Extensions and Alterations SPD states that front extensions will not normally be permitted unless:

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

The host property is a mid-terraced dwelling. The eastern elevations of the other properties within the terrace remain largely unaltered. However, infill two storey extensions, similar to that proposed under this application, have been erected to the western elevations of the majority of the other properties within the terrace. Broomfield Terrace has no through access making the property less prominent, however it is visible from the rear of the properties on West End Drive.

The proposed extension would be flush with the pavement and is not screened, thus failing to comply with the House Extensions and Alterations SPD. The proposed extension would be flush with the existing western projection at the property and would therefore not protrude past the existing front elevation which is also flush with the highway. The majority of the neighbouring properties, within the same terrace, have had similar infill extensions, flush with the highway. Therefore, this forms part of the character of the terrace and street scene and would not be an incongruous addition to the terrace of dwellings. It is considered, in this instance, that the proposal, flush with the highway is acceptable.

The proposal would be two-storey and would have a projection of 3.5 metres. This is significantly larger than would normally be considered acceptable to the front of a property. Given the reasons outlined above, this would be considered acceptable in terms of the impact on the wider street scene. The proposal would be for an infill extension which would be in keeping with the host dwelling in terms of design and materials. Although two-storey, the proposal, given its design and moderate footprint, would be considered subservient to the host dwelling.

The proposed plans states that the extension would be finished in render walls and slate roofing to match the existing property. This is considered acceptable and would not cause harm to visual amenity.

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 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, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Key Design Principles 3, 4, 5, 6 & 7 of the Kirklees House Extensions and Alterations SPD reflect the above. Paragraph 5.14 of the Kirklees House Extensions and Alterations SPD states that front extensions will not normally

be permitted unless “the extension would not unreasonably affect the neighbouring properties”.

Impact on 10 Broomfield Terrace
10 Broomfield Terrace is the adjoining property located due north of the application site. The design of the no.10 mirrors that of the existing host dwelling and therefore no.10 adjoins the existing two storey projection at the host dwelling. The proposed development would infill the south-west of the application site and therefore would cause no additional harm to the amenity of the occupants of no.10, over and above the existing arrangements on site.

Impact on 14 Broomfield Terrace
14 Broomfield Terrace is the adjoining property located due south of the application site. The design of no.14 mirrors that of the existing host dwelling. No.14 also has a single storey extension erected to the western elevation which abuts the boundary of the application site. This projects just under 2 metres and has a window and door in the western elevation. There is also a window in the first-floor western elevation, set in slightly from the shared boundary with the host dwelling. This window is obscurely glazed and appears to serve a bathroom.

The proposed development would project along the entirety of the boundary shared with no.14 and would be two-storey in height. The proximity of the proposed extension to the existing two storey element at no.14 would result in a tunnelling effect to no.14 which could cause overshadowing and overbearing harm to the windows in the rear elevation of no.14. The window in the ground floor western elevation of no.14 is an additional extension to the property and does not serve the primary light source or outlook to an inhabited room. The first-floor window serves the bathroom which is not a primary inhabited space. It is also noted that no representation has been received. Therefore, in this instance, it is considered that the proposal would not result in significant overshadowing or overbearing harm to the amenity of the occupants at no.14.

The proposal would also affect the light to the small yard area to the front of the property. It is noted that this area is too small for the occupants to use as amenity space and that there is a larger garden to the east of the property. Therefore, there would remain adequate amenity space, unaffected by the proposal.

There would be no windows proposed in the side elevation of the proposed extension so no overlooking harm would occur as a result of the proposal.

Impact on 72 West End Drive
72 West End Drive is a two-storey detached dwelling located due west of the application site. There would remain a separation distance of over 21 metres between the rear elevation of no.72 and the proposed extension. This is considered a significant distance to prevent any harm to the occupants of no.72 and would therefore comply with paragraph 4.10 of the Kirklees Local Plan.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 4, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The extension would serve a dining area and an additional bedroom. A two-bedroom property would normally be required to provide off-street parking provision for two vehicles in order to comply with the Highways Design Guide. It is noted that there is currently no provision for parking within the curtilage of the property and that there is no scope for the proposal to provide parking. The proposal would also result in the loss of the current bin storage area. The majority of the properties within the terrace have had a similar extension erected and also have no off-street parking provision or bin storage. Therefore, it is considered that a refusal of the proposal on these grounds could not reasonably be sustained in this instance.

As such the scheme 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

Ecology
The application site is within a bat alert layer and therefore consideration must be given to the impact of the proposed development on bats and bat roosts. A Bat Scoping Survey was submitted, which concluded that the building has limited potential roosting features and that bats are not present in the building. Therefore officers are satisfied that the proposal is unlikely to cause harm to bats or bat roosts. If approved, a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Carbon Budget

The proposal is a small scale 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.

There are no other matters for consideration.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect a two storey extension to the front of 12 Broomfield Terrace 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: 2022/92726

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 Policies LP1, LP2, LP21, LP22 and 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not.

If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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	Version	Date Received
Grouped Plans and Elevations	2022-97-01	A	12/11/2022
Bat Scoping Survey			27/05/2023

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 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.

The original application form had the incorrect certificate of ownership signed. The correct certificate was signed, and the application form was updated. No readvertisement was considered necessary as all neighbours had been notified of the development and the affected neighbour would be notified as part of the certificate B signing process. A Bat Scoping Survey was requested and submitted as this application is within a Bat Alert Layer and would affect the roof of the property.

Report Dated: 13/06/2023