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:	**2022/62/92754/W**
Site Address:	42, Causeway Crescent, Linthwaite, Huddersfield, HD7 5NN
Description:	Erection of first floor extension to side, dormer window to rear and installation of window to front (within a Conservation Area)
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 10-Feb-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92754

Site Description

42 Causeway Crescent is a semi-detached property located within the Linthwaite Conservation Area. The property and its attached neighbour are located at the head of cul-de-sac and are accessed off Causeway Crescent which is an adopted road. Causeway Crescent is accessed of Causeway Side.

The property is constructed from red brick with a tiled roof. To the front of the property is hardstanding to create off-street parking for the dwelling and to the rear is garden area. To the side of the dwelling is single storey extension which projects off the rear of the property.

Surrounding development is comprised of residential properties and beyond the rear boundary is a Council owned woodland with an area of Urban Greenspace to the east.

Description of Proposal

The application is for the erection of a first floor side extension, dormer window to the rear and the installation of a window to the front.

The measurements of the proposal are as follows:

First floor side extension which would lie flush with the existing front and side elevations of the ground floor extension and would lie flush the rear elevation of the original house.

- 3m in projection to side
- Eaves height to match the existing
- Overall height set down from host dwelling by 0.3m with a hipped roof

The proposed extension would be built from materials to match the host property using brick for the walls and clay tiles for the roof.

The proposed dormer extension would be located on the front and rear roof slopes and have the following dimensions:

- 4.8m in width
- 2.3m in height
- Set up from gutter line by 0.3m
- Roof flush with ridge line

No proposed finish for the dormer materials are specified on plan or within the application form.

It is also proposed that a window is within the front elevation roof slope.

History of negotiations/amendments received

The Agent was contacted during the application process and amendments were requested to overcome concerns with reference to non-compliance with the House Extensions and Alterations SPD. It was suggested that the front elevation be set back from the existing front elevation and also the roofline set down from the ridge. It was also requested that the first floor rear projection was removed so that the rear elevation of the extension would be flush with the existing rear elevation and that the dormer was reduced in size.

Amended plans were received on 17th October 2022 which reflect the above requests and therefore form the basis of the assessment of the scheme. The amended plans were not formally re-advertised as the plans relate to a reduction of the built form.

Relevant Planning History

2002/91341 Erection of garage/utility room/toilet extension
Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 8th October 2022 – no representations received

Parish/ Town Council – not applicable

The amended plans were considered to make marginal changes to the proposal's design (reductions) and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

None required

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan

unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the Linthwaite Conservation Area as defined on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and Conservation Area
2) Impact on residential amenity

3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that "extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."

- Principle 2 – that "extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail."

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

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space

- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of first floor side extensions and dormer extensions the SPD states the following:

Dormers

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable. Ideally, these should:

- Relate to the appearance of the house and existing roof;
- Be designed in style and materials similar to the appearance of the existing house and roof;
- Not dominate the roof or project above the existing ridge of the house;
- Be set below the ridgeline of the existing roof and within the roof plane and
- Be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

Two storey and first floor side extensions

Paragraph 5.21 of the SPD states that space between houses and driveways are important in providing a sense of space and that local character and the attractive appearance of an area should be retained.

Specifically, two storey and first floor side extensions should:

- Ideally be visually smaller in relation to the original house;
- Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline of the original house;
- Have a roof design that follows that of the existing roof; and
- Retain a gap of at least one metre to boundary walls to avoid a terracing effect and to retain rear access to gardens

The relevant sections of the House Extensions and Alterations SPD listed above are considered in sections 2 and 3 of this report. On the basis the proposal is considered to have an acceptable visual impact, impact upon the Conservation Area, impact upon residential amenity, as well as any other relevant considerations the proposal is considered to be acceptable in principle.

2 – Impact on visual amenity and Conservation Area:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of the impact of the proposal on the Conservation Area, Section 72 of the Listed Buildings and Conservation Areas Act 1990 is relevant and requires that special attention shall be paid in the exercise of planning functions to the desirability or preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework.

Chapter 16 of the NPPF states that in determining planning applications, local planning authorities should give weight to the asset's conservation and that any loss of significance of the designated heritage asset requires clear and convincing justification.

In this instance, it is proposed that a first floor extension would be located above the existing garage and a dormer extension is proposed within the rear elevation roof slope.

With reference to the proposed side extension, the extension would lie flush with the existing ground floor front and side elevations. The extension would result in a two storey structure which is set back from the front elevation by more than 500mm and has a roof design which is hipped and set down from the existing roof line of the property. This ensures that the extension has a visual appearance of being subservient and clearly smaller than the original house.

It is noted that the ground floor structure extends to the boundary line and therefore, the first floor extension cannot be set in from the boundary of the plot without compromising a meaningful level of additional accommodation. Whilst this would not comply prescriptively with the SPD, due to the layout of the site and wider area with an area to the side of the property which is Council owned land which is currently used for parking, the proposed works would not result in a terracing effect as there is no residential property to the side of the application site. As such, it is considered there would be little design benefit in setting the scheme in from the boundary by 1m.

It is proposed that the materials for the extension would match the dwelling and therefore the extension is considered to be acceptable in terms of visual amenity, compl5ant with Key Design Principles 1, 2 and 9 of the SPD.

In terms of the rear dormer extension, this element of the scheme has been reduced from its original submission at the request of the Officer. As amended,

the dormer has been set in from the side elevation ensuring that the roof of the property can be clearly read. The dormer would be located on the rear of the property and therefore would be out of view from public vantage points within the street scene. It is considered that the dormer is acceptable in terms of its relationship with the roof with the window positions being symmetrical within the dormer. No materials of construction have been proposed specifically for the dormer however these can be conditioned as part of the decision notice.

There are no concerns with regard to the visual impact of the proposal from the proposed front elevation roof light. It is noted the proposal would incorporate a table element with the hip roof adjoining. It is noted a hip to gable amendment to the property could likely be undertaken using pd rights. Given the proposal would incorporate hipped roof designs to the extensions and the realistic pd fall back it is considered the proposal is acceptable in this regard.

In terms of the impact of the scheme on the Linthwaite Conservation Area, as the scheme has been reduced from its original submission, it is not considered that the proposal would have a harmful impact on the character of the Conservation Area or the significance of its setting and therefore, it is considered that the proposal, subject to suitable conditions relating to constructions materials for the dormer, is acceptable in terms of LP35 of the Kirklees Local Plan and advice within Chapter 16 of the National Planning Policy Framework.

The extension and dormer are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, having regard to principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of overlooking, openings are proposed within the front and rear elevations of the first floor extensions with no proposed openings within the side elevation facing the vacant land.

Due to the layout of the site in context with the surrounding area, it is not considered that there would be harm from overlooking as there are no residential properties to the rear of the application site and the front elevation openings would face the road itself. As such, the proposal is acceptable in terms of Key Design Principles 3 and 4of the SPD in terms of privacy.

With regard to overshadowing as there are no properties to the side of the location of the proposed first floor extension which could be impacted on by the proposal, it is not considered that there would be undue harm caused to neighbouring properties as a result of the proposed works in this regard.

It is not considered that there would be harm from the dormer extension that would be close to the shared boundary with the attached neighbour in terms of overshadowing or being overbearing given it would be within the rear roof slope.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained. In this instance, there would be no significant increase in footprint to the building and this would be isolated to the formation of a bay window at ground floor level and therefore, the rear amenity space would be retained as existing.

Therefore, it is considered that the proposed development is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there would be no loss of garage provision as the existing floor plans indicate that what appears to be a garage (by the presence of a garage door) is utilised as living accommodation. Following the works, the bedroom provision for the property would increase from a 3 bedroom property to a 5 bedroom property. Key Design Driver 20 of the Highways Design Guide states that 4+ bedroom properties should provide three off-street parking spaces. This is further supported by Key Design Principle 15 of the House Extensions and Alterations SPD. There is adequate space within the site frontage which is all hardstanding for the parking of 2 no. vehicles and it is not considered that this section of road is oversubscribed with off-street parking. As such, in this instance it is considered that the proposal is acceptable from a highways perspective.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development, the proposal is likely to improve thermal efficiency of the property given the requirements of building regulations in terms of insulating the additional developments.

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be

attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

6 – Representations:

None

7 – Conclusion:

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

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

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2022/92754

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15

and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The external walls and roofing materials of the first floor side extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and to protect and preserve the character and appearance of the Linthwaite Conservation Area and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. Notwithstanding the details indicated on the approved plans and application form, the cladding of the dormer shall be a dark grey colour finish or tile hung to match the existing roof tiles.
Reason: In the interests of visual amenity and to protect and preserve the character and appearance of the Linthwaite Conservation Area and to accord with LP01, LP02, LP24 & LP35 of the Kirklees Local Plan, Key Design Principle 9 of the House Extensions and Alterations SPD and advice in the National Planning Policy Framework

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to 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
Exiting Site Location Plan	C010422-CAL-XX-00-DR-A-1005 – Rev: P01		16th August 2022
Existing Site Plan	C010422-CAL-XX-00-DR-A-1006 – Rev: P01		16th August 2022
Existing Floor Plans	C010422-CAL-XX-00-DR-A-1001 – Rev: P01		16th August 2022
Existing Elevations	C010422-CAL-XX-00-DR-A-1002 – Rev: P01		16th August 2022

Plan Type	Reference	Version	Date Received
Proposed Site Location Plan	C010422-CAL-XX-00-DR-A-1007 – Rev: P02		17th October 2022
Proposed Site Plan	C010422-CAL-XX-00-DR-A-1008 – Rev: P02		17th October 2022
Proposed floor plans	C010422-CAL-XX-00-DR-A-1003 – Rev: P02		17th October 2022
Proposed elevations	C010422-CAL-XX-00-DR-A-1004 – Rev: P02		17th October 2022
Heritage Assessment	TG/LAF/C010422		24th August 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Agent was contacted during the application process and amendments were requested to overcome concerns with reference to non-compliance with the House Extensions and Alterations SPD. It was suggested that the front elevation be set back from the existing front elevation and also the roofline set down from the ridge. It was also requested that the first floor rear projection was removed so that the rear elevation of the extension would be flush with the existing rear elevation and that the dormer was reduced in size. Amended plans were received which reflect the above requests and form the basis of the assessment of the scheme.

Report Dated: 7th February 2023

Coal – none