

**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:	2022/62/92837/W
Site Address:	44, Oaklands Drive, Dalton, Huddersfield, HD5 8PR
Description:	Erection of first floor side extension
Recommending Officer:	Tom Hunt

DECISION – REFUSED

I hereby authorise the refusal 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: 27-Aug-2024

Officer Report

Site Description

2022/92837 – 44, Oaklands Drive, Dalton, Huddersfield, HD5 8PR

The application site relates to a two-storey, semi-detached residential property, with a single-storey garage extension to its side and single-storey rear extension. It is situated on sloping ground with land falling from southwest to northeast. Its construction materials are red brick with use of render and concrete tile to hipped roof. It has a landscaped front amenity space partly given over to a shared driveway and rear garden. The area is residential with similarly constructed properties; some are with two-storey side extensions of varying designs however the predominant style to these semi-detached properties are single-storey side extensions with a strong sense of repetition and openness in the streetscene.

Description of Proposal

Erection of first floor side extension

It is proposed to have a first floor side extension over the existing garage. This would be flush with the host's primary elevation and to have a set down hipped roof to match the host's roof at front and be set back from the rear elevation. At ground level, a lean-to front roof extension would continue the present porch roof design.

Materials would be to match the host with render and brick with concrete tile to roofs. Fenestration would be domestic to front and rear only.

Internally the garage space will remain with a W.C and utility room to the rear at ground floor. The extension would offer an additional bedroom and ensuite.

History of negotiations/amendments received

The case officer considered the application on review and requested amendments to the design to comply with the House Extensions and Alterations SPD. Specifically setting the first floor extension back 0.5m to achieve a more subservient design.

A Preliminary Roost Assessment recommended that further bat surveys were necessary to evaluate impacts to bats as a protected species. Officers have requested this on 04/04/2023 following the Ecology Officer response. The agent had a following request to have this conditioned (received 01/11/2023) to which Officers responded:

“Circular 06/2005 advises that protected species surveys should only be required by condition in exceptional circumstances. Given that there appears to be credible evidence of a reasonable likelihood of a protected species being affected by the proposed development, there

are no exceptional circumstances in this case and the information, as recommended in the preliminary survey, is required before the application can be determined.”

No response was received. Officers requested an update 29/05/2024, to which an Extension of Time was agreed. The quoted advice provided was repeated following another request to have the bat surveys conditioned on 31/05/2024.

Another email from the Office requesting an update was sent 29th July advising that the Officer would be unable to keep the application live past 4th September without the necessary information. An email was sent 16/08/2024 advising that the application would progressed to determination. In the absence of any further submitted detail / request that the application be withdrawn this application is progressed to determination on the basis of submitted information to achieve a timely decision.

Relevant Planning History

2014/92407	Erection of front extension and new pitched roof. <i>Conditional Full Permission.</i>
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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 had a final expiry date of 04/11/2022.

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Ecology – Advised further Bat surveys would be required following supply of the PRA.

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 land for development 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 30 – Biodiversity & Geodiversity

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

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 December 2023, 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 and beautiful 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

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan 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 NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02 and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Officers are guided by Key Design Principles in the SPD, primarily the following in terms of achieving sustainable, well-designed extensions and alterations which will have a positive impact on the quality of life for both occupiers and neighbours:

*“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.*

*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.”*

Paragraphs 5.15-5.16 of the SPD (page 28) relate in general to proposed side extensions to have those be located and designed to minimise its impact in the locality and to reflect the design of the host in roof style, pitch, materials and detailing.

Specific to two-storey and first floor side extensions (pages 29-30), paragraphs 5.21-5.22 advise that they 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 from the original house; have a roof design that follows the form of the existing roof; and retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens'.

The proposed development would be over an existing single-storey side extension with an existing 0.8m gap to the boundary and be closely adjacent to no. 42's existing flat roof single-storey side extension. It would have its front elevation and front roof plane flush with the host's own, with some of its bulk slightly reduced by a set down roof ridge height. This bulk and massing to the fore, close to the neighbour and thus closing the property gap, would appear to contribute to a significant loss of openness between those neighbours and increase the risk of harmful terracing, should the neighbour wish to extend similarly. Cumulatively with the new lean-to roof design at front, the proposal would create a visually dominant and overbearing addition to the host.

As such, it would appear prominent and contrary to the existing established local character and openness in the streetscene of semi-detached properties with single-storey side extensions. Other examples of similar side extensions have been set back or have flush extensions that are not closely adjacent to neighbouring properties to ensure that the openness between properties is retained and so Officers concur that the proposal would contribute to a harmful loss of openness to the local character of the area contrary to Key Design Principle 1.

Officers acknowledge the paired neighbour's own flush two-storey side extension with the same roof planes (permitted before the introduction of the SPD) appears overly dominant however this visually overbearing impact is mitigated by its remaining side amenity space within a generous corner plot and still inkeeping within the established building line to its neighbours to the northwest. As such, this has a different relationship than no. 44 to no. 42 in terms of visual amenity for the host and streetscene. It is noted that the proposed design would appear unbalanced when taken as a pair with no. 46, however this effect is already present with the dominant front extension projecting forward of the host with the single-storey side extension. Officers are additionally unable to support the proposed design as it would not achieve an improved design relationship with no 42 over the existing arrangement. The proposed first floor side extension, by reason of its design, would form an extension which is not subservient and would form an incongruous feature in a position of prominence with Oaklands Drive. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Sections 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 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

No. 42

This neighbour has a single-storey side extension which appears to be a garage with a large side elevation window. The proposed would not contribute to a significant increase in overbearing and loss of outlook to this ground floor window serving a non-habitable room. To the first floor, no. 42 has a side window of which the room function is unknown.

Whilst there has not been confirmation whether this large window serves a habitable room, it appears to serve a landing area, particularly as this would mimic the uniform design of other dwellings in the street. As such it is considered that the impact of the proposal upon this property would not be of such significance as to warrant refusal in this case.

No. 46

The proposed would be significantly screened from this neighbour by the host's own bulk and massing, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 48

The first floor extension would overlook the very rear of no. 48's garden and would not significantly alter the existing relationship between those neighbours in terms of overlooking or loss of privacy. The extension would be sited at a sufficient distance to the southeast of the neighbour to avoid any additional overbearing or overshadowing.

No. 45

The first floor extension's window would be separated by a distance of 33m, exceeding minimum recommended separation distances set out in paragraph 4.10 of the SPD ensuring no additional overlooking impacts. Considering the separation between properties for the extension to the northwest, this would ensure no additional overbearing or overshadowing impacts will occur.

Future Occupiers

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

The proposed first floor side extension, by reason of its size and location close to the shared boundary, would result in loss of outlook and form an overbearing impact in relation to the first floor southeast window of the adjacent dwelling, no. 42. To permit the extension would have a detrimental impact on the residential amenity of the occupants of no. 42 and would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extensions and Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

On balance of probabilities, based on similar properties of this size on Oaklands Drive, the proposed would add a bedroom to a three bedroom property and as such, it should have a minimum of 3 off street parking spaces to fulfil Highways Design Guide SPD recommendations.

It appears that the existing garage would remain unaltered however it would not achieve Highways Design Guide SPD minimum internal space requirements for modern vehicles. The driveway is to be unaltered and would feasibly achieve two off street parking spaces. The site is close to frequent public transport and also close to Wakefield Road/Dalton Green Lane Local Centre supporting car free travel. The locality is well supported by off street parking provision afforded by driveways to residential properties and on street parking appears minimal. It is considered that the proposal would not adversely affect the locality in terms of highway safety and parking to such a harmful degree that this modest parking underprovision would be a reason for refusal in this instance.

This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD 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 meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

The site is in a bat alert area, close to an extensive and significant tract of woodland to the southeast likely to support bats as evidenced by nearby roosts. Following recommendations by the Ecology Officer in their formal consultation response, a Bat survey by JCA Ltd (ref; 20485/Awe. Dated 23/03/2023) was requested and supplied.

This identified that there was moderate suitability for roosting bats. As such, two bat surveys were recommended, consisting of dusk emergence surveys. The surveys must be carried out between May and September with at least one of the surveys between May and August.

The Ecology Officer follow up review of the survey agreed that the application should not be determined until the additional surveys have been undertaken and suitable report received to assess impact to the protected species.

Officers have requested those surveys repeatedly however did not receive the additional surveys at the time of the report's preparation. Due to the submitted information it is concluded that officers are unable to make a full and proper assessment of this scheme.

It is therefore considered that, in the absence of the necessary information, this application is refused on the basis that a full and proper assessment of the impact upon bats as a protected species cannot be undertaken.

For the reasons given above, the proposals are not considered to meet policies LP24h) and LP30 of the Kirklees Local Plan, Key Design Principle 12 of the House Extensions and Alterations SPD, and Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

As discussed within the report, Officers have identified concerns regarding the impact of the development on the character and design of the locality, impacts on residential amenity with regard to loss of outlook and overbearing to no. 42 Oaklands Drive and are unable to make a full assessment of the proposal's

impacts on Bats following the recommendations of the Bat Survey. As such the proposal would not be considered to be a sustainable form of development and has been refused on this basis.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2022/92837

Officer Recommendation: Refuse

Reasons

1. The proposed side extension, by reason of its design, would form an extension which is not subservient and would form an incongruous feature. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions & Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.
2. The development is in a bat alert area, close to an extensive and significant tract of woodland to the southeast likely to support bats as evidenced by nearby roosts. A Bat survey by JCA Ltd (ref; 20485/Awe. Dated 23/03/2023) was supplied identifying moderate suitability for roosting bats. Two further bat surveys consisting of dusk emergence surveys are considered necessary. In the absence of the submission of the additional detail, insufficient and inadequate information has been submitted to enable a full assessment of the impact of the development and demonstrate compliance with Policies LP24h) and LP30 of the Kirklees Local Plan, Key Design Principle 12 of the House Extensions and Alterations SPD and policies within Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan		Unamended	27/09/2022
Existing Elevation and Floor Plans	22/123	Unamended	27/09/2022
Proposed Elevation and Floor Plans	22/123	Unamended	27/09/2023
		Unamended	
Bat Survey	Bat Survey by JCA Ltd (ref; 20485/Awe. Dated 23/03/2023)	Unamended	27/03/2023

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. For the reasons set out the development would not improve the visual or residential amenity of the area and a full assessment of the impacts to Bats as a protected species could not be made.

Report Dated: 22/08/2024