

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:	2022/62/92873/E
Site Address:	7, High Ash Avenue, Clayton West, Huddersfield, HD8 9QJ
Description:	Erection of single storey front extension
Recommending Officer:	Katie Wilson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 10-Mar-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/92873
Location	7, High Ash Avenue, Clayton West, HD8 9QJ
Proposal	Erection of single storey front extension
Publicity end date	25/11/2022
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes EoT Date: 10/03/2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of Representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	n/a
Denby Dale Parish Council comments sought	Yes	No objections

Planning History	Yes	2019/91088 – extensions and alterations to form two storey dwelling and internal alterations. Conditional full permission. Planning application details Kirklees Council 2020/93463 – NMA to previous permission 19/91088. Approved. Planning application details Kirklees Council
Consultations required	No	n/a

Assessment

The Kirklees SPD sets out that single storey front extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

Single storey front extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened; and	Yes – the extension would be set back at least 3.0m from the pavement.	
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	Yes – the extension would appear subservient and has been designed with a dual pitched roof, in-keeping with host property. It is acknowledged that the original true bungalow has been significantly remodelled with planning approval 2019/91088, so that now it has a raised roof allowing first floor accommodation, and single storey extension to the side and a large flat roofed extension at the back. It is	

	considered that the proposed extension would be very modest in relation to existing house.	
The materials and design match the existing features of the original house; and	Yes – materials would match existing	
The extension would not unreasonably affect the neighbouring properties.	Yes – the modest scale would result in minimal impact on neighbouring property.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: Detached former 2-bed bungalow, now 4-bed, one and half storey house at head of residential cul-de-sac where there are a mixture of detached bungalows and 2-storey houses of various designs, but similar materials and age. This moderately sized housing estate is on a gently sloping hillside with northern aspects. Many of the buildings have been extended in various ways and a number have bow or bay windows together with mono-pitched canopies to the front elevation.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extension is generally modest in scale and due to the set back position of the property, would not appear overly prominent.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP	The original bungalow has been significantly re-modelled recently following planning approval 2019/91088.	✓

	Chapter 12 of the NPPF	It is considered that the current proposal would be subordinate to the existing house and would improve the appearance of the property when seen from High Ash Avenue.	
Height, scale and massing	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	As above. The extension would project across less than half the width of frontage of the property and would be subordinate in terms of height., as such it is considered proportionate to the host building	✓
Facing materials and detailing	- KDP 9 of the SPD - Policy LP24 Design (d) (iii) of the KLP - Chapter 12 of the NPPF	Facing and roofing materials to match existing.	✓
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Dual pitched roof in-keeping with host property.	✓
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	They would be similar to those on the host dwellinghouse.	✓
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	Private domestic extension with no external access.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 5, High Ash Avenue (to north eastern side) – The two properties have staggered footprints so that the rear building line of 5, High Ash Avenue is in line with the front building line at the application site. This neighbouring property is a bungalow and has a blank side gable end directly facing the east facing side elevation of the proposed extension, which would also be blank. There would also be a separation distance of approximately 4.0m between the facing elevations with driveway and path inbetween. AS such it is considered that there would be no undue invasion of privacy, overshadowing or overbearing issues.
- No. 6, High Ash Avenue (to the north of the application site) – This property is a bungalow on the opposite side of High Ash Avenue. It is on slightly lower ground and its front elevation faces that at the application site. The proposed extension would have a window to a habitable room in its facing elevation, however, it would retain a separation distance of approximately 20.0m with gardens and access road in between. It is considered that this together with the slight change in levels would mitigate overlooking, overshadowing and overbearing impacts.
- 10, 12 and 14, High Ash Avenue – These are two storey detached houses to the west of the application site and on the opposite side of the access road. Their front elevations face in an easterly direction, at right angles to the front of 7, High Ash Avenue. In terms of overlooking, the proposed extension would have a window facing towards to the front of these properties. However, it would be a secondary window and there would be a separation distance of approximately 24.0m. Furthermore, numbers 10 and 12 would be further away and with a more indirect relationship. As such it is considered that there would be very limited invasion of privacy.

Regarding overshadowing and overlooking impact, given that the proposed extension would be single storey, modest in scale and some distance from these neighbouring properties, it is considered that this impact would be minimal.

- Other properties are either further away, screened by other buildings or have an indirect relationship to the proposed extension.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A

Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The rear garden would be unaffected by the proposed extension. Some of the curtilage would be retained to the frontage too.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Parking is predominantly provided within the site boundary and the proposed extension would not alter existing arrangements, nor would it generate the necessity for further off-street parking spaces.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Off street parking provided within the site – see comments above.	✓
Provision for waste storage	• KDP 16 of the SPD	The proposed extension would not affect the	✓

	• Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	existing provision for the storage and collection of household wastes.	
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The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	n/a	n/a
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Site in bat alert area. From visual inspection the building appears to be well maintained and unlikely to have a bat roost potential. As a precaution it is recommended a cautionary note should be added to decision notice	yes
Carbon budget	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures 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.	
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden would be unaffected and some of the soft landscaping to the front. This would allow some surface water for run-off to be collected within the site. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

No representations.

Denby Dale Parish Council: No objections

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:

CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2022/92873

Officer Recommendation: CONDITIONAL FULL PERMISSION

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 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost 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 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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
Location plan	Dwg no. HAA01		26.08.2022
Existing Site plan	Dwg no. HAA02		26.08.2022
Existing plans	Dwg no. HAA03		26.08.2022
Proposed site plan	Dwg no. HAA04		26.08.2022
Proposed plans	Dwg no. HAA05		26.08.2022

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. No amendments/further information were sought during the course of the application.

Report Dated: 10.03.2022