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:	**2022/62/93061/W**
Site Address:	34, Alwen Avenue, Birkby, Huddersfield, HD2 2SJ
Description:	Erection of extensions and alterations
Recommending Officer:	Sam Jackman

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 05-Dec-2022

Officer Report – 2022/3061

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93061

Site Description

34 Alwen Avenue, Birkby is a brick semi-detached property with a concrete pantile hipped roof,

Due to the topography of the area, the property is elevated above Alwen Avenue with several steps leading up to the front entrance. The rear garden is long and narrow and slopes up towards Halifax Old Road.

The property doesn't benefit from any off-street parking or any previous extensions.

Description of Proposal

The application is a resubmission of a previously refused application which is for a two-storey wrap around 'L' shaped extension to the side & rear. To the front of the property 2 parking spaces would be provided.

The extension would create a new kitchen to the side and rear lounge, at first-floor a larger bathroom, an additional bedroom, with 2 en-suites and a utility area. The existing attic area would be extended incorporating 5 rooflights.

The measurements of the 2-storey side extension are as follows:

- 2.45m in projection from the gable
- 6.1m in depth the depth of the property with a 1.5m step back from the front elevation.
- 5m in height to the eaves; 7.1m in overall height with a hipped roof including a small under build and with the ridge set down 0.45m

The measurements of the 2-storey rear extension are as follows:

- 4.5m in projection at ground floor with a set in of 2.7m from the attached neighbour No.36 and 0.9m from the boundary with No. 32.
- The first-floor extension would be reduced to 2.5m following the width of the ground floor.
- 6.15m in width of the host property and side extension.

- The single storey element 2.6m in height to the eaves; 3.5m in overall height with a lean-to roof.
- The two-storey element 4.7 in height to the eaves; 6.7m in overall height with a hipped roof

Materials proposed would be brick for the front & side elevation of the extension along with the rear ground floor. The first-floor rear elevation would be render.

The existing rear garden will be lowered by 1.7m at its deepest, creating an area 6.5m x 10m, with a new retaining wall.

The two new parking spaces would be 2.4m wide by 4.5m, with an area for bin storage.

History of negotiations/amendments received

The principle of the application was considered acceptable, where amended plans have been received showing the proposed rooflights to the attic, the large platform to the front reduced, as the porch element has been removed.

Also the proposed white render of the host property has been deleted.

Relevant Planning History

2021/93857 – single storey front extension, 2-storey rear & side elevation. - refused
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F93857

2022/20579 Pre-application – extensions

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, which expired on the 2.11.22, whereby no representations have been received.

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

Policy

The site is unallocated on the Kirklees Local Plan and falls within an area with a known presence of bats and also an area at low risk of ground movement as a result of former mining activity.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP53** – Land Stability

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, together with Circulars, Parliamentary 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
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Highways Design Guide
- House Extensions and Alterations Supplementary Planning Guidance (SPD)

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.

Legislation

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).

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and Conservation Area/ Listed Building
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 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 side and rear extensions, which states:

In Section 5.19 side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states 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.

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Section 5.8 goes onto refer to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

Finally, when assessing the impact of overshadowing on neighbouring properties, with regards to rear extension built close to the shared boundary with its neighbour, section 4.17 of the SPD states the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

2 – Impact on visual amenity

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.

34 Alwen Avenue, Birkby is a semi-detached property built around 1960 located within a cul-de-sac of mixed individual style properties, both 2- storey and single storey where the majority are semi-detached 2-storey properties. The materials mainly used within the street are red brick with only a couple having cream coloured render detailing as part of the original property and with only one pair having render as part of the extended property.

The properties on the north side of Alwen Avenue have long steep narrow gardens, where those that back directly onto Halifax Old Road have divided their gardens into two and built new properties on one half. In the case of the application property, the garden is retained in its original length, which steeply slopes up towards Storths Lane a narrow track running along the rear boundary.

The application is for a 2 storey wrap around extension to the side and rear with a single storey in part to the rear.

The proposed extension has been designed with brick for the front elevation of the side extension along with the single storey rear extension and matching roof tiles. Render is proposed for the first-floor rear extension and albeit this wouldn't match the host property it would be a small area and wouldn't be visible from the road therefore, on balance acceptable.

With regards to side extensions the Supplementary Planning Document state the following guidelines: -

- 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.

In this case the side extension is shown with a hipped roof which is considered acceptable, furthermore the whole of the side extension has been set back 1.5m with the ridge line set down approx. 0.4m.

The side extension has been positioned to be set off the boundary by approx. 0.75m towards the front of the property which increases to 0.9 at the rear, where the Supplementary Planning Document recommends a 1m gap, and albeit this could be achieved, it is accepted the internal living space would be reduced to approx. 2m which wouldn't allow the internal space to be particularly useable. Therefore, setting the extension back 1.5m helps mitigate the reduced set in.

In addition to the side extension, the property would be extended to the rear, where under normal circumstance there would be limited view of rear extensions. However, in this case the neighbour No. 32 has retained their garden to the side of their property and given that this elevation would have an overall length of 10.7 reduced from 14.3m as refused it would be clearly seen from the street but with the setback wouldn't now dominate the host property as you approach the property from the east. Therefore, the combined extensions would now be seen as subservient additions to the property which would be acceptable to the host property and the street scene as a whole.

In the case of the rear extension at ground floor would project 4.5m but would be set in from the shared boundary with no. 36 by 2.7m, where the agent has demonstrated that the extension meets the 45* rule within the guidelines in the Supplementary Planning Document.

The rear elevation has also been re-designed from the previous refused application by replacing the gables with a hipped roof and eliminating the large flat roof element, therefore, as amended would have an acceptable roof design.

The combined extensions in relationship to the host property would potentially still increase this 2-bedroom with box room property to three larger bedrooms, retaining the box room and potentially incorporating one in the loft, the scale of the development has been reduced so that it is now considered to be a subservient addition to the host property future alterations may not. Although there is limited scope to extend further, it would be appropriate to remove permitted development rights for alterations within the roof space of the host property, upward extensions and further detached buildings, in this case. This would be to prevent the overdevelopment of the site in the interests of visual amenity. (Condition 7)

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain, albeit this is in the form of a sloping garden, this is unchanged by the addition of the extension. The development is therefore considered to comply with this principle.

Therefore, the extension is 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 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.
Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
Key Design Principles 3, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document 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.
Section B and C of LP24 states that alterations to existing buildings should:

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

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this case the properties most likely to be affected by the proposal are considered to be No. 32 & 36 Alwen Avenue either side of the property with no properties to the rear.

Impact on No.32 Alwen Avenue

No. 32 is to the east of the property, where their property is approx. 4.1m from the boundary, with the proposed extension set in from the boundary starting at 0.75, increasing to 0.9m towards the rear extension.

The proposed elevation along this boundary would include one first-floor window to the bathroom, and to prevent overlooking this window should be conditioned to be obscure glazed in case the internal layout is changed, given that No 32 have a side entrance and 2 windows in their gable. (Condition 5)

With regards to the combined side and rear extension they would have an overall length of 10.7m reduced from 14.34m where the roof is shown as a hipped roof reducing its overall size to that of the previous application.

Therefore, given the amened extension it is considered not to have an unduly overbearing or overshadowing impact on the neighbours at no. 32 in its reduced form.

Albeit it is considered there would be no overlooking from the existing opening or those controlled by additional conditions it would be considered appropriate to condition no additional opening in the side elevation (east) given the neighbours garden and windows. (Condition 4)

Impact on No. 36 Alwen Avenue

No. 36 is the attached property and located to the west of the host property, where there is one window shown at ground floor in the side elevation of the rear extension, To prevent overlooking this should be obscure glazed as it would be only 2.7m from the shared boundary with this neighbour. (Condition 5) It is also accepted a new screen fence will be erected along the boundary. This may not be of a sufficient height to prevent overlooking, which is another reason to add an obscure glazing requirement.

However, when assessing the impact of overshadowing on neighbouring properties, with regards to any rear extension, section 4.17 of the Supplementary Planning Document states the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

In this case the agent has demonstrated that the whole of the rear extension would comply with this as it is set in from the shared boundary by 2.7m, preventing any undue overshadowing or overbearing effect. It should also be noted that the rear elevation of these properties faces almost due north, so there will already be reduced sunlight into these rooms at the rear.

Impact on No.27 & 27a Alwen Avenue opposite

These properties are to the south and over 26m away where the new habitable rooms which are set back from the host property, which would comply with the Supplementary Planning Document referred to in section 4.1, therefore, wouldn't create any overlooking, overbearing or overshadowing of these properties.

Therefore, it is considered that the proposed extensions are 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:

In terms of this property, the property does not benefit from any off-street parking, and the development would increase the amount of liveable space to potentially 4-5 bedrooms along with an additional reception room within the property. The proposal includes 2 new off-street parking spaces with a short fall of one space of the recommendation in the SPD however, given that the property is located within a cul-de-sac the creation of two spaces is an improvement to the current situation, therefore, it is not considered necessary

to require the additional 3rd space to be provided. Furthermore 3 spaces would result in almost 50% of the front garden being used for parking, creating a large area of hard landscape and high retaining wall, which wouldn't be acceptable, therefore, the creation of 2 new spaces in this case would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety, the Supplementary Planning Document, highways standards and advice in Chapter 12 of the National Planning Policy Framework.

The proposal also indicates a separate area for off-street bin store complying with the SPD.

To ensure the new hard surfaces do not lead to an increase in flood risk, it is recommended that a condition be imposed to require permeable surfacing techniques be employed as such would meet the aims of Policies LLP21 & LP22 of the Kirklees Local Plan, the Council's adopted Highway Design Guide and Key Design Principle 14 of the adopted House Extensions & Alterations SPD with respect to highway safety. (Condition 6)

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.

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 would be attached to the permission of the application, if it was being recommended for approval.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

Land Stability
Policy LP53 and national Policy in Chapter 15 is relevant to the consideration of the two parking spaces it is proposed to form at the front of the site. The formation of these spaces will require engineering operations to regrade land at to erect retaining walls to the side and rear of the parking spaces once formed. The applicant's have submitted a general detail regarding the formation of spaces, but this does not go into constructional requirements for the spaces. The height of the retaining wall, maximum, appears to be 1.2m. There are other driveways, steps and engineering works in the streetscene. There is nothing to suggest the proposed works would have an adverse impact on land stability. However, an informative note should be included on the decision notice (in accordance with paragraph 184 of the NPPF) setting out that the responsibilities for safe development lie with the applicant/developer.

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: 2022/93061

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 LP01, LP02 and LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 14, 15 & 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12, and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved and the external facing to retaining walls shall in all respects match those used in the construction of the existing building and retained thereafter, except for the first floor rear elevation of the extension denoted to be finished in white/cream or similar coloured render.
Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of

the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the eastern (side) elevation of the extension on the approved plan at any time.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 3 and 4 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

5. The first-floor window in the side elevation of the extension and the ground floor side elevation window serving the lounge hereby approved, shall be obscure glazed (minimum grade 4), before the extension is first brought into use. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) these windows 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 LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 3 and 4 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

6. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been constructed and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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) (England) 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 parking of vehicles thereafter.
Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan, Key Design Principle 14 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapter 14 of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes AA, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To avoid overdevelopment of the site and retain any future extension combined with existing extensions as subservient additions to the host property. In addition, to preserve the amenities of nearby residential properties and to accord with LP24 of the Kirklees Local Plan, Key Design Principles 3-6 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and Policy in Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: With reference to condition (6) above, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864): www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: Where a site might be affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. This includes works to regrade existing land.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form			
Location Plan 1:1250 Existing & proposed Block Plan 1:150	100-2	A	8.11.22
Existing & proposed ground floor layout	101-2	A	8.11.22
Existing & proposed first floor & attic layout	102-2	A	8.11.22
Existing & proposed elevations 1	103-2	A	8.11.22
Existing & proposed elevations 2	104-2	A	8.11.22
Existing and proposed elevations 3 with parking space details	105-2	A	8.11.22

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 requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity. This decision is based on the amended/additional documents submitted.

Report Dated: 1.12.22

Coal – low