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:	**2022/62/93140/W**
Site Address:	26, Broadgate, Almondbury, Huddersfield, HD5 8HP
Description:	Erection of single storey side extension and external alterations
Recommending Officer:	Luke Walstow

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.

Stuart Howden

AUTHORISED OFFICER

Date: 17-Nov-2022

THE SITE

The site contains a relatively large, detached dwelling which is located within a residential area on a corner plot, with Broadgate Crescent to the north east and Broadgate to the south east. The house is finished in stone material and has a red slate roof. These characteristics are in line with the local design and key elements of the local area, with numerous dwellings having similar attributes. The surrounding area has differing house types with some being terraced, semi-detached and detached with some dwellings incorporating integral garages and other with driveways to the side and front of the building structures. The house has a large driveway. The site is not or conservation area, nor is it within close proximity to any listed buildings.

THE PROPOSAL

The applicant is seeking planning permission for the erection of single storey side extension and external alterations. The side extension would be erected on the southern side of the detached dwelling. The proposed side extension to the dwelling would also extend beyond the front wall and is proposed to replace an existing single storey. It would extend beyond the front wall of the dwelling by approximately 4.5 metres, flush with the front wall of the two storey main element of the dwelling, whilst being a width of ~3.6, flush with the side wall of the existing dwelling (thereby effectively infilling a gap).

It proposed so as to create a wheelchair access bathroom downstairs. The walls will be constructed from stone to match the existing dwelling. The proposed lean-to roof will be constructed from red tiles which matches the original building

New windows are proposed on the existing dwelling, but none of these new windows would require planning permission.

PLANNING HISTORY

Relevant planning history for this site is summarised as follows:-

- 2012/93030: Erection of single and two storey extensions, and alterations to roof of garage. 26 Broadgate, Huddersfield, HD5 8HP. Decision – Approved 22nd November 2022.
- 2013/90855: Erection of single, two storey and first floor extensions and alterations to roof (Modified Proposal). 26, Broadgate, Almondbury, Huddersfield, HD5 8HP. Approved 18th March 2022.
- 2013/91306: Erection of detached garage. 26, Broadgate, Almondbury, Huddersfield, HD5 8HP. Approved 06th June 2013.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

PUBLICITY & REPRESENTATIONS

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 02 November 2022 – no representations received

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

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 in the adopted Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees House Extensions and Alterations SPD (2021)
- Historic England: Adapting Traditional Farm Buildings (2017)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Representations
7. Conclusion

1 – Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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

In this case, the principle of extending the existing dwelling could be acceptable subject to an assessment against applicable material planning considerations, which will be discussed below.

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and *"c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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.

Section 5 of the aforementioned SPD provides advice on specific extensions and alterations. Section 5.2 provides advice on front extensions, whilst 5.3 relates to side extensions.

In relation to front extensions, Section 5.2 states that

"Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.

Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

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

In relation to side extension, Section 5.3 of SPD states the following:

"Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

Side extensions should maintain the quality of the environment for neighbours by:

- *Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and*
- *Positioning windows to minimise or avoid any potential overlook into neighbouring gardens."*

Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

Whilst the extension would project beyond the front wall of the dwelling, it would not protrude beyond the front wall of the main body of the dwelling so as to help prevent it overdominating the dwelling.

The extension would also not extend more than two thirds the width of the original house and would be flush with the side wall of the existing dwelling. Whilst it would not be set back 0.5 metres beyond the front wall of the dwelling (given that it would be flush with the front wall of the main body) and it would be over 4 metres in height (being ~4.3m max), it is considered that the extension would still appear as subordinate addition to the existing building, especially given it's scale relative to the existing building. It's set back from the road would also ensure that it's not an overly dominant feature, despite the plot being on a prominent corner.

In addition, the proposed extension would be constructed from materials to match the existing dwelling. The proposed extension is therefore considered to be a compatible addition to the dwelling that would prevent undue harm to the visual amenities of the locality

The new windows would not require planning permission but are considered to be a negligible alteration anyway

The proposal is therefore considered to prevent harm to the visual amenities of the locality, in accordance with Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

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."

Further to this, 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.

Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

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

Principle 3 of the Council's adopted House Extensions & Alterations SPD states extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. The proposal satisfies this principle as the proposed extension is located to the side of the existing dwelling which is not close to any boundary and any proposed windows on the extension do not overlook and existing/neighbouring properties given that they would be single storey and face towards the road.

The proposal is only single storey in height and replaces an existing extension, whilst being set off the side boundaries. The existing dwelling is also screened by a boundary stone wall which limits any overbearing. The proposed extension has a lean-to roof which pitches away from the neighbour at No.28. The existing dwelling would also screen the extension from No.64. There will therefore be no significant increase of overshadowing or overbearing (principle 6) due to the location of the extension in relation to other neighbouring dwellings. Principle 5 of the House Extensions and Alterations SPD states extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property. For the same reasons as above, it can be concluded there would be no significant impact on the amount of light reaching the neighbouring properties.

Principle 7 of the House Extensions and Alterations SPD states extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally, at least half the garden area should be retained as part of the proposals. The proposal would only reduce the properties outdoor space by a very small amount. The site would have sufficient outdoor space available after the proposed extension is constructed.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the adopted House Extensions and Alterations SPD, and Government advice contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

The proposed changes for a side extension to the detached property does not increase the potential number of occupants on site. In addition, whilst the loss of some parking area would be apparent, the site could still accommodate at least 3 cars which is acceptable for a 4+ bedroom dwelling as recommended in the aforementioned SPD. As such it is considered there would not be a significant impact upon access and highway safety / parking as a result of the proposal.

It is considered that waste storage and collection arrangements would remain as existing and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the Council's House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Climate Change:

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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

The extension would be constructed from stone which is a sustainable material if locally sourced. Considering the nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

<u>Biodiversity</u>

Principle 12 of the 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."* Given the nature of the proposal, this being a modest single storey extension, it is not considered reasonable to request biodiversity enhancements in this case.

6 – Representations:

None received

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: 2022/93140

Officer Recommendation: Conditionally 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 91 of the Town and Country Planning Act 1990 (as amended).

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 LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained and maintained for the lifetime of the development.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Proposed/Existing Elevations and Floor Plans	2221-01	-	26/09/2022

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 were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 17/11/2022

Coal – low