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:	**2022/62/93191/W**
Site Address:	506, New Hey Road, Salendine Nook, Huddersfield, HD3 3XF
Description:	Erection of single storey side extension and front porch
Recommending Officer:	Laura Yeadon

DECISION – Conditional Full Permission

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

Stuart Howden

AUTHORISED OFFICER

Date: 17-Jan-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93191

Site Description

506 New Hey Road is a two-storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and hosts a grey tiled roof with garden areas to the front and rear. There is also a driveway to the side, accessed off via a dropped crossing off New Hey Road. The pair of semi-detached properties host bay windows which are characteristic of the properties on the northern side of new Hey Road to the east of the application site.

The pair of properties are set within a corner plot and sit at an oblique angle to the main road and the attached neighbouring property sits adjacent to the access to the YMCA sports facilities.

Surrounding properties are predominantly residential.

Description of Proposal

The application is for the erection of a single storey side extension and a front porch. At the time of the site visit, the porch had been constructed.

The measurements of the proposal single storey side extension are as follows:

- 2.2m in projection to the side
- 3.4m in depth
- 2.7m in height to the eaves; 4m in overall height

The proposed extension would be built from materials to match the host property using stone with a grey tiled roof.

The measurements for the front porch are as follows:

- 1.9m in projection to the front
- 2.1m in width
- 2.7m in height to eaves; 4m in overall height

The proposed extension has been built from stone with a grey tiled roof.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application, on balance, being acceptable in its submitted format.

Relevant Planning History

Application site

1988/00261 Formation of vehicular crossing
Conditional Full Permission

Attached property (No. 508)

1988/00866 Erection of replacement garage
Granted Conditionally

2018/90705 Erection of two storey side extension
Conditional Full Permission

2021/91880 Erection of single storey side extension, front porch and alterations to garage
Conditional Full Permission

2021/94135 Erection of single storey side extension, front porch and new roof to existing garage
Conditional Full Permission

Representations

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

Final publicity date expired 27th December 2022 – no representations received

Consultation Responses

Not applicable.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

National Policies and Guidance:

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

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
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 state 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 other key designs principles for consideration are:

- 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

With specific regard to the proposed development, Section 5.3 of the SPD provides guidance on side extensions stating 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."*

In terms of front extensions, Section 5.2 of the aforementioned SPD provides advice on these, and states the following:

Front extensions are highly prominent in the street scene and can erode the character of the area. of they are not carefully design. 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 this case, the principle of development could be acceptable subject to the impacts of visual and residential amenity and highway safety, as well as other relevant material considerations which shall be discussed below.

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 and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Permission is sought for vestibule/porch extension of the front elevation of the property (which has already been constructed) and a single storey extension the side elevation.

The porch replaces an existing porch which was fully glazed and was set upon a stone wall and attached to the bay window (under a flat roof). The porch in situ appears to be on a similar footprint as the previous, however is of a solid stone construction with small high-level windows within the front elevation and a door within the side elevation, as well as a lean too roof. The high-level openings are at the same height as the upper windows in the attached bay window. Whilst in isolation, the front elevation has a stark appearance due to the expanse of stonework and its prominent location and the small squat openings, the attached neighbouring property also has a porch which was recently granted permission which is similar in appearance in terms of size and scale. The adjacent porch hosts one centrally located opening and is also constructed from stone. Due to the impact of the permission granted to the adjacent property, it is not considered that there would be sufficient justification to refuse this porch in this instance due to its appearance. The overall appearance of the porch is on balance, considered acceptable in terms of Key Design Principles 1 and 2 of the SPD. Notwithstanding this, in terms of the SPD, the porch is slightly set back from the pavement, is of a relatively modest size and is constructed from stone.

In terms of the proposed single storey side extension, this would be set back from the front elevation of the property by 3.7 metres which is more than the 0.5m referred to within the SPD, is not more than two thirds of the width of the original house and does not exceed 4 metres in overall height. The proposal is considered to be modest in size and subservient to the host property even when assessed cumulatively with the porch and therefore complies with Key Design Principle 2 of the SPD. In terms of the impact on the street scene, as the extension would be set back from the roadside and given its modest scale, it would have little impact on the street scheme and therefore comply with Key Design Principle 1 of the SPD.

Both extensions would be constructed from stone to match the host dwelling with grey tiles for the roof and therefore would be in keeping with the host property, complying with Key Design Principle 9 of the SPD.

As the extensions are located to the front and side of the property it is not considered that the outdoor amenity space for the property would be compromised and therefore the proposal would not result in an overdevelopment of the plot.

The extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of Policies LP1, LP2 & LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions and Alterations (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact

upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Openings are proposed within the front and rear of the side extension and are within the front and side elevation of the porch extension.

With regards to overlooking and the proposed side extension, as the existing separation distances between the proposed openings and neighbouring properties to the front and rear of the site, would not be too dissimilar and the proposed are at ground floor level, it is not considered that there would be undue harm from the single storey side extension in terms of loss of privacy. In terms of the front and side elevation of the porch, the separation distance between the front elevation openings and facing property are in excess of 12 metres, at approximately 32 metres and therefore complying with Key Design Principle 4 of the SPD. It is not considered that the solid door with a high-level window to the side elevation unduly impacts on the neighbouring properties.

In terms of overshadowing or being overbearing, the porch extension is set away from the attached neighbouring property and separated by the driveway to the neighbouring property to the east, No. 504 New Hey Road. As such, there are minimal concerns regarding overshadowing or overbearing from this element of the development.

In terms of the proposed side elevation, the application site is set on a higher ground level than the neighbouring property, No. 504. Due to the siting of the proposed extension, this would be set in from the boundary with No. 504 by approximately 1 metre and there is a window located within the side elevation of the neighbouring property which could be impacted on by the proposal. However, as the neighbour is to the east, during the morning hours the window would be overshadowed by its own property and during the afternoon hours it may be overshadowed by the proposed extension. However, the opening appears to be secondary and the structure could be constructed as submitted by exercising Permitted Development Rights. Given that the porch extension has already been constructed, Officer's consider the construction of the extension to be a realistic fall back and therefore, on balance, the proposed side extension is acceptable. A fence of two metres could also be erected on the shared boundary thereby impact this neighbour in terms of overshadowing and loss of light and outlook. It is therefore considered that the proposal would not cause undue harm to neighbouring properties in terms of loss of outlook, loss of light or the creation of an overbearing or overshadowing effect.

Key Design Principle 7 of the SPD 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 proposed block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain. The development is therefore considered to comply with this principle.

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 and LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations Supplementary Planning Document as well as Policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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

In this case the existing driveway and access would be retained and there would be a minimal loss of parking as a result of the proposal. As no additional bedrooms are proposed, it is not considered that there would be an increase of parking demand as a result of the works. It is considered that the parking space remaining would be commensurate for a dwelling of this scale in this location, especially with regard to guidance in the Highways Design Guide SPD. As such, the works would comply with Key Design Principle 15 of the SPD and Policies LP21 and LP22 of the Kirklees Local Plan.

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

5 – Other matters:

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

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

of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The works are proposed to be constructed from stone which is a locally sourced, fully recyclable material which is considered to be acceptable in this instance. No other measures are considered necessary given the nature of the proposal.

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 the extensions would have no impact on the existing roof structure of the host property as the proposals are single storey.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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.

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, on balance, would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2022/93191

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles 1-16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building, and shall be retained as such thereafter.
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 House Extensions and Alterations Supplementary Planning Document Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan at a scale of 1:1250 on A4 sheet	100047474		27th September 2022
Proposed floor plan	2232/01A		27th September 2022
Proposed elevations	2232/02A		27th September 2022
Existing elevations and floor plans	2232/03		27th September 2022
Existing block plan	2232/04		27th September 2022
Proposed block plan	2232/05		27th September 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:	17th January 2023

Coal – low