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:	**2022/62/93195/E**
Site Address:	60, Kingsley Crescent, Birkenshaw, BD11 2NL
Description:	Erection of single storey side extension with external alterations
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 12-Jul-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2022/93195
Location	60, Kingsley Crescent, Birkenshaw, BD11 2NL
Proposal	Erection of single storey side extension with external alterations
Publicity end date	25th November 2022
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	**Yes** **EoT Date: 12/07/2023**
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	Yes	Side extension set further back from the front elevation. Some soft landscaping re-introduced around the site perimeter.
Parish/Town Council comments sought	N/A	

Planning History	Yes	2022/92129 – Erection of single storey side extension with external alterations. Refused. Planning application details | Kirklees Council At 62, Kingsley Crescent: 2004/93322 – Erection of 2-storey extension. Conditional full permission Not implemented
Consultations required	None	

Assessment

The Kirklees SPD sets out that single storey side extensions should comply with certain dimensions set out at paragraph 5.17 on page 28 (and listed below) and if they do not, they need to be justified:

Single-storey side extensions should:	**Yes - COMPLY**	**No - JUSTIFY**
Not extend more than two thirds of the width of the original house	Yes	
Not exceed a height of 4 metres; and	Yes	
Be set back at least 500mm from the original building line to allow for a visual break.	Yes	

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

Summary of local street scene/character:

The house at the application site is a 2-storey semi-detached building with dual pitched and hipped roof. Thought to be around 65 years old with largely dark brown brickwork walls except some off white render to front elevation, and red tiled roof. It has a later single storey small extension at the front, and base of conservatory at the back.

It is located at the eastern entrance to Kingsley Crescent at the junction with Bottoms Lane and its front elevation faces onto the road junction, with side elevation in line with rear elevation of neighbouring properties accessed from Kingsley Crescent.

Other houses that line Kingsley Crescent are predominantly 2-storey semis of the same era and similar roof designs and pallet of external materials. Many have also been extended or altered in a variety of ways, including a detached 2-storey house on the opposite side of Kingsley Crescent which has walls that are rendered and painted off white. Furthermore, a renovated house nearby on the opposite side of Bottoms Lane has significant amount of rendered walls painted cream together with detached double garage with flat roof and cream coloured rendered walls.

Many of the other properties nearby also have flat roofed garages or outbuildings of similar scale to the proposed side extension.

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	Amended drawings show that the proposed extension has been reduced in scale (compared to the refused scheme – ref:22/92129). It is now set back from the front elevation approximately 0.5m and the projection to the side reduced a similar amount. This makes the scale even more clearly subservient to the original house.	✓

		Whilst the roof design remains flat, because the scale has been reduced to something akin to a single garage and that numerous other properties in the area have flat roofed garages to the side, it is considered that the principle of such a design feature could be acceptable. It is acknowledged that the proposed extension would be quite prominent, but so too are some garages in the area and there are detached single storey flat roofed outbuildings at 20, The Bottoms, clearly seen from the main road. In terms of rendering the whole house and painting it off white, there is some precedence for this nearby on the opposite side of Kingsley Crescent and Bottoms Lane. There are at least two others in prominent positions within the wider estate. Furthermore, some landscaping is shown in the front garden that would soften the impact of all the proposed development. As such this is also considered to have an acceptable impact upon the street-scene.	

Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed development would appear subservient by virtue of its reduced scale, and rendering the whole house would help it to look more unified.	✓
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	Acceptable, please see above.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The proposed extension would have more modern roof design and window openings. The walls would also be rendered and painted off white. However, the new wall treatment would be applied to the entire building making it look more unified and the modern roof and window designs are considered to fit in with the altered appearance of the enlarged house.	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Whilst the current proposal retains a flat roof design the scale has been reduced so it is now akin to a single storey garage. There are numerous flat roofed garages or outbuildings in the area. Some more prominent than others, but it is now considered that the proposal could fit in comfortably within this context, and would overcome the reason for refusing 2022/92129.	✓

Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Please see above	✓
Accessibility for all users	• KDP 17of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	✓

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:

- *No. 58, Kingsley Crescent (to north west).*
  It is a 2-storey semi-detached house. Its footprint is orientated at right angles to the house at the application site and its rear elevation in line with the side of the house at 60, Kingsley Crescent.
  In terms of overlooking there would be one window (to a kitchen area) directly facing the side of this neighbouring property. However, it would be at ground floor level and there is a close boarded fence around 2.0m high along the mutual boundary. As such it is considered that there would be no significant invasion of privacy.
  Regarding overbearing or overshadowing, as the proposed extension would be single storey with a flat roof, it is considered that these impacts would be very limited.

- *62, Kingsley Crescent (to south).*
  It is the adjoining semi, attached to the southern side of the house at the application site.
  As the proposed extension would be on the opposite side of the host dwellinghouse, it is considered that it would be entirely screened, and unaffected either in terms of overshadowing, overbearing or overlooking.

- *47 to 51, Kingsley Crescent (to north on opposite side of road).*
  These are 2-storey, detached and semi-detached houses. Their front elevations face onto the side of the house at the application site. However, there would be a separation distance of at least 24.0m between the nearest part of the proposed extension and their front elevations, with gardens and Kingsley Crescent in between. As such it

is considered that there would be no significant overlooking, overbearing or overshadowing impacts.

- *20, Bottoms Lane (to the east and on opposite side of the road). This detached house is to the front of the application site. However, the opposing elevations are at an angle to each other and there would be a separation distance of at least 29.0m in between. In these circumstances it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.*

- *No other properties would be affected by the proposed development.*

	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	Rear garden would be clearer as a result of removing the existing conservatory. The proposal would also retain much of the front and side gardens	✓

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	**Further comments**	**✓ / X / N/A**

	the Kirklees Local Plan and the NPPF		
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal would retain access from Kingsley Crescent and two off street parking spaces formed in the front garden. This is acceptable from a highway safety point of view.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As above.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	None shown on plans however, there is sufficient space within the red line boundary to allow for storage and collection of household waste bins on site. Condition not considered necessary.	✓

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	n/a	n/a

	• Chapter 12 of the NPPF		
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	n/a	✓
Carbon Budget / Climate change statement	• 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 garden areas and landscaping would be retained to allow for run-off. 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.

Representations, including Parish/Town Council comments:

Summary of Representation	**Officer response**	Addressed ✓ / X / N/A
N/A		

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: 2022/93195
Officer Recommendation: Approve

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 of the extension hereby approved shall be finished in an off white or cream pre-coloured render all respects match those used in the re-rendering 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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	Dwg no. (EX)002	Rev A	27.09.2022
Existing and Proposed Site Block Plan	Dwg no. (20)003	Rev C	06.07.2023
Existing Plans and Elevations	Dwg no. (EX)001	Rev A	27.09.2022
Proposed Plans and Elevations	Dwg no. (20)001	Rev C	06.07.2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were received to reduce the scale of the proposed development.

Report Dated: 12.07.2023