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:	**2022/62/93207/W**
Site Address:	1, Ingleton Road, Newsome, Huddersfield, HD4 6QX
Description:	Erection of single storey side and rear extensions and installation of single storey front bay windows and alterations
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.

John Holmes

AUTHORISED OFFICER

Date: 22-Nov-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93207

Site Description

1 Ingleton Road is a semi-detached brick constructed residential property located within an area without notation on the Kirklees Local Plan. The property is a two storey building which is located within a corner plot with an access road to the side which leads to a Council owned site which is occupied by detached pre-fab garages. To the side of the property there is a two storey section which is set back from the property which is also mirrored on the attached neighbouring dwelling. This pair of dwellings are of a unique design within the street scene whereby the other dwellings are also semi- detached with a more traditional design.

To the front of the property is a garden area with access to the rear amenity space to the side of the property. To the rear is an outrigger which is shared with the attached neighbour and a sloped garden which leads to a detached pre-fabricated garage.

Description of Proposal

The application is for the erection of single storey side and rear extensions and installation of single storey front bay window and alterations.

The measurements of the proposal are as follows:

Side extension

- 2.2m in width
- 3.3m in depth
- 2.7m in overall height with a flat roof

The proposed extension would infill the section of the building which is set back from the front elevation at two storey height. It is proposed that the extension would lie flush with the existing front and side elevations.

It is proposed that the extension would be constructed from brick with a rubber or GRP parapet roof.

Rear extension

- 6.1m metre in projection
- 8.2m in width

- 2.6m in overall height

It is proposed that the section of outrigger owned by the property would be removed and replaced with a large single storey extension with a flat roof. The extension would span the full width of the property lying flush with the side elevation of the existing dwelling.

It is proposed that the extension would be constructed from brick with a rendered rear elevation with a rubber or GRP parapet roof.

Front bay window

- 0.9m in projection
- 2.8m in width
- 2.5m in overall height

It is proposed that the extension would be constructed from brick with a rubber or GRP parapet roof.

Alterations

It is proposed that the fenestration details within the first floor front elevation of the property would be amended form two window to one larger window. It is also proposed for a ground floor opening be created within the existing side elevation of the property.

History of negotiations/amendments received

Concerns were raised to the Agent regarding the design of the proposed extensions. It was requested that the two storey bay window be removed from the scheme and also the side elevation reduced in width to lie flush with the existing building line of the property. In response, the two storey bay window has been reduced in height to single storey and the side elevation has been brought in to lie flush with the existing building. Amended plans were received on 9th November 2022 and 22nd November 2022 and form the basis of this assessment. The amended plans have not been re-advertised as the amendments sought a reduction in built form to the proposed works. The description of development has also been amended to reflect the single, rather than two storey bay window.

Relevant Planning History

None

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 10th November 2022.

Parish/ Town Council – not applicable

As a result of the public consultation period one representations has been received with the summary of comments set out below:

- Object to the front double height bay window
- Block light and be visible from living room and master bedroom
- View will be of a brick wall
- No objection to rear extension however would need to ensure the integrity of the attached neighbouring property will not be affected during or after construction and remains watertight

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 required

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 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conservating and enhancing the natural environment

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
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 8: Energy efficiency
- 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 front, side and rear extensions, the SPD states:

Front Extension

The SPD also clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported 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.

Single storey side extension

In Section 5.17 of the SPD refers to the general rules, where single storey side extension 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.

Single storey rear extension

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.

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. On the basis the proposal is considered to be acceptable in relation to all relevant considerations, the principle of development is concluded to be acceptable.

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.

The proposed extensions comprise of three elements which are a single storey front bay window extension, a single storey side infill extension and also a single storey rear extension which would replace the existing outrigger which is part owned with the attached neighbouring property.

In terms of the front extension, this has been reduced in size as it was originally submitted as a two storey bay window. The formation of a bay window to the ground floor of the property would result in a structure that would have a minimal projection of 0.9 metres and limited width which would be set back from the pavement and subservient to the to host property as required with section 5.14 of the SPD. The extension would be in keeping with the other bay windows within the street scene and due to being single storey in heigh and would now not unbalance the pair of properties and would therefore not be detrimental in terms of Key Design Principles 1 or 2 of the SPD.

The proposed single storey side extension would effectively infill the section of property which is set back from the front elevation and would also be single storey in height. The extension would also be small in scale and would not exceed 4 metres in height. Whilst the extension would not be set back from the front elevation as required under section 5.17 of the SPD, the extension would be read as such as it would attach to the existing two storey elements of the property. Therefore, in this instance, this is considered to be visually acceptable.

There is also a single storey rear extension proposed which exceeds the parameters of the guidance within the SPD. Notwithstanding this, the proposal has been reduced from its original submission and now sits flush with the existing side elevation of the property. Whilst the projection is large, the curtilage of the property is considered to be of sufficient size to withstand the large addition proposed. The extension would be single storey in height and therefore subservient and would have a flat roof which would match the other proposed extensions which aids to minimise the impact on visual amenity.

The extension has limited views from public vantage points virtue of being to the rear of the property and is therefore considered to have an acceptable impact on visual amenity.

The proposed construction materials for all the extensions would be brick which would match the host building with the rear elevation of the proposed rear extension being rendered. Whilst this would introduce a different construction material to the property, the change of material would highlight that the extension is a later addition and not an original feature. In addition, the property is not a listed building nor in a Conservation Area and therefore the change in material is considered to be acceptable and would be in keeping with other rendered sections of buildings within the street scene.

The pair of semis to which the host property relates are a house type not replicated elsewhere in the street, the proposal is not considered to be out of keeping with the character of this pair of semi detached properties and is considered to be acceptable following the scaling down of the element of the extension to front.

The cumulative impact of the three separate elements of the scheme are considered to be proportionate to the original dwelling therefore would relate satisfactorily to the host building and have an acceptable impact on visual amenity. This would be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions (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.

In terms of overlooking and the front elevation of the property there is a window proposed within the bay window extension and a door proposed within the side extension. The bay window opening would reduce the established separation distances by 0.9 metres however the front of the property does not directly face openings within facing properties as these are set at an oblique angle to the application site.

There is a proposed opening within the side elevation of the original property however this does not require planning permission and therefore there are minimal concerns. To the rear of the property, large windows are proposed within the rear elevation however as these would face the garden area of the property, there are minimal concerns.

In terms of overshadowing, being overbearing and outlook, Key Design Principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from

the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension.

In this instance, in terms of the front extension the 45 degree line would not be cut and is therefore not considered to be significantly harmful to the occupiers of the attached neighbouring property.

The proposed side extension would not impact on neighbouring properties as it is separated form the neighbours by boundary screening and the access road to the garage site to the rear of the property.

The proposed rear extension is also considered to be acceptable. Whist this would replace and project further than the existing outrigger, there is a structure attached to the rear of the neighbours section of the outrigger which projects further than the proposed extension. As such, the extension would be mainly screened from the neighbouring rear elevation openings and garden area and therefore, in this instance the proposal is considered to be acceptable and would have an acceptable impact on the neighbouring property.

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 proposed location plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain.

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:

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 & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case, there is no dedicated off-street parking to the front of the property however there is a garage located within the rear section of the garden area which is proposed to be retained as part of the proposed works. There would be no increase in bedroom provision as a result of the proposed works and therefore, it is not anticipated that there would be an increase in the demand for parking and therefore it would be unreasonable to request that additional parking is provided as part of the application to extend the property.

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.

As the proposed rear extension in predominantly glazed to the rear elevation, this would increase the solar gain from the glazing from what currently exists.

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

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.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Coal High Risk - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. 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 policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

One representation has been received with the following being a summary of comments and LPA response:

- Object to the front double height bay window

Response: This has been addressed within the report and the bay window reduced to be single storey in height

- Block light and be visible from living room and master bedroom

Response: This has been addressed in the assessment above

- View will be of a brick wall

Response: The impact on outlook has been addressed above

- No objection to rear extension however would need to ensure the integrity of the attached neighbouring property will not be affected during or after construction and remains watertight

Response: This is not a material planning consideration that the LPA can control and would be a requirement that is controlled under separate legislation.

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: 2022/93207

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 LP1, LP2, LP21, LP22, LP24, LP 30, LP31 LP51 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. Other than the rear elevation of the single storey extension to rear, the external walls of the extensions hereby approved and shall in all respects match those used in the construction of the existing building. The rear elevation of the single storey extension to rear shall be render of a white colour finish. The single storey extension to rear shall not be brought into use until the rear elevation has have been completed. All materials of construction approved by this condition shall be thereafter retained.
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 House Extensions and Alterations SPD and policies within chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

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 and existing floor plans	UD-503		28th September 2022
Existing elevations	UD-503		28th September 2022
Location plan and proposed floor plans	UD-503		22nd November 2022
Proposed elevations	UD-503		8th November 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.

Concerns were raised to the Agent regarding the design of the proposed extensions. It was requested that the two storey bay window be removed from the scheme and also the side elevation reduced in width to lie flush with the existing building line of the property. In response, the two storey bay window has been reduced in height to being single storey and the side elevation has been brought in to lie flush with the existing building. Amended plans were received on 9th November 2022 and 22nd November 2022 and form the basis of this assessment.

Report Dated:

22nd November 2022

Coal – high