

**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:	2022/62/93221/W
Site Address:	48, Foster Avenue, Crosland Moor, Huddersfield, HD4 5LN
Description:	Erection of two storey extension to side
Recommending Officer:	Tom Hunt

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 18-Nov-2022

Officer Report

Site Description

2022/93221 – 48, Foster Avenue, Crosland Moor, Huddersfield, HD4 5LN

The application site relates to a semi-detached, two-storey property on a large corner plot. It is white rendered with concrete tile side gable roof. There are front, side and rear amenity spaces with a driveway within its side garden leading to a detached outbuilding sited to the rear garden. The area is residential with mostly semi-detached properties of a similar age, varied material palette and a mix of roof forms. There is a strong sense of streetscene character form with green hedging to the boundary providing a sense of enclosure and privacy to the occupants while softening the streetscene.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW.

Description of Proposal

Erection of two storey extension to side

The proposed two storey side extension would be set back by ~0.5m at ground floor and ~1m at first floor from the primary elevation. The ridge of its side gable roof would be set down ~0.4m from the ridge line of the host property.

The dimensions of the proposed at ground floor would be:

~4.35m projection from the side by ~6.4m depth

and at first floor:

~4.35m projection from the side by ~5.95m depth

The eaves would match the host.

The design is set out as being a car port open on all elevations supported by rendered posts on padstones and then a small, front, lean-to roof at ground floor to rest against the more conventional residential design at first floor serving a main bedroom, dressing room and en-suite. It would be rendered and roofed with concrete tile to match the host. New window openings would

be front, side and rear with two skylights to the front roof elevation. A dummy window would be inserted to the side elevation with the adjacent window.

The driveway would be retained with sufficient width for three off street parking spaces and the bin store would be to the rear garden.

History of negotiations/amendments received

The case officer considered the application on review and sought an amended plan to increase the active frontage to the side elevation and parking and bins arrangements to be demonstrated within plans.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking 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 which expired on: 15/11/2022

No representations have been received.

A dummy window and a small window were added to the side elevation at first floor in amended plans. There is a separation distance of ~23m facing a property gap between the opposite properties from the window and this would only have oblique views causing no additional impact to overlooking or loss of privacy, therefore amended plans were not re-advertised.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways Development Management – Informally consulted. Support provided parking layout demonstrates sufficient parking to meet intensified use

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 unallocated on the Kirklees Local Plan. It is not within a Bat Alert Layer or a Coal Risk Area,

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 3 – Plan-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g., trees/ecology
- 6) Representations
- 7) 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.”

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. In addition, Principles 1, 2, 8, 9, and 13 specifically relate to visual amenity in the 'House Extensions and Alterations SPD' and there is detailed design guidance provided on corner plot two-storey side extensions within paragraphs 5.19-5.23.

Corner plot developments should be considered to be both front and side extensions relating well to the street frontage, set back from the existing building line on both streets and be visually smaller in relation to the existing house whilst retaining a property gap to ensure no undue terracing affecting the streetscene.

The proposal would be visually smaller than the host by being set back from the primary elevation, set down from the roof ridge height of the host and less than 2/3rds the width of the host aiding in the proposal being subservient. It would have the car port at ground floor, windows and doors on both front and side elevations creating an active frontage to the front and side in accordance with advice given in the SPD. It would be faced in render and roofed in tile to elevation and roof to match the host and harmonise with the streetscene's use of render.

It would be set back from the building line and host on Foster Avenue and would be slightly set back from the building line with in line with 20 Balmoral Avenue and forward of No. 18's front elevation; in mitigation, viewing there is a significant gap between the properties considering No. 20, a strong boundary line with hedging and trees breaking up the space between those and there would still be a large section of landscaping to the side aiding in the proposed design to achieve a sense of space in the streetscene avoiding an overdeveloped cramped appearance and to appear in keeping.

The highway of Foster Avenue visually separates both the host and No. 18; their primary elevations are positioned at a right angle away from each other changing how the building line interacts with each other, so the proposed side extension being forward of No. 18's front building line is acceptable in this isolated case. Whilst the car port design would appear slightly out of keeping with no others nearby and be screened mostly by the boundary hedging, this would still be considered a relatively residential style feature and still have its overall two-storey design considered to be residential as be-fitting the streetscene character.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principles 3, 4, 5, 6, and 7 of the Kirklees Householder Extensions and Alterations SPD specifically relate to residential amenity. As such, the proposed extension is assessed upon whether it would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

No. 18 and 20 Balmoral Avenue

The closest property to be affected by the development is No. 18 Balmoral Avenue which is separated by ~21.8m from the host. The proposed development would have an en-suite and a dressing room window directly facing its opposite blank side elevation. From no. 20 the separation distance is greater and windows obliquely facing the side elevation windows currently face No. 48's primary elevation. The new bedroom window in the front elevation would be no closer to this property. These arrangements would be sufficient to ensure no overlooking or loss of privacy taking into account minimum advised separation distances in the SPD as set out in paragraph 4.10. The separation distances would also ensure there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 25 and 27 Balmoral Avenue

The side elevation of the proposed development has one non-habitable window at first floor looking towards these dwelling at a separation of over 23m. This is sufficient enough to avoid overlooking or loss of privacy as recommended by paragraph 4.10 of the SPD. Due to these reasons above, it would not necessary to recommend that the dummy window should be retained as such. Overall the proposal's separation distance to the neighbours to the west would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b and the principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Development Officer was informally consulted and advised a parking layout should be supplied to ensure sufficient parking for its intensified use.

For a 4 plus bedroom dwelling, it should have three off street parking spaces and the agent demonstrated sufficient parking layout with the car port included to satisfy this requirement. The HDM Officer advised that the car port be conditioned as parking only and not be infilled to secure a parking space within its area. While there is a bus stop close by, the proposal would still be in an area far from a Local Centre and relatively isolated from facilities.

The Officer requested a bin layout as well to demonstrate where the bins would be safely stored for visual and highway amenity. The site would use existing arrangements for bin storage to the rear of the side extension.

As such, on submission of the amended plans the proposed development would be able to support its intensified use without detrimental impact to highway safety and bin storage. This requires a condition to retain the car port as approved so as to provide sufficient parking spaces to serve the development in accordance with Policy LP22 of the Local Plan and Principle 15 of the SPD.

5 – Other matters:

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, this includes Key Design Principles 8-11 of the SPD.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, and the increased daylighting through rooflights, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development mostly limited to an existing area of hardstanding within a large soft surfaced garden therefore this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan and Chapter 15 of the NPPF is relevant.

It is acknowledged that the site is not located within an identified bat alert area or in an area of biodiversity. It still seeks to retain its landscaped garden with green hedging which is of benefit to biodiversity and therefore considering the minor scale of development it is not considered necessary to seek further mitigation or net gain in biodiversity.

6 – Representations:

No representations had been 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: 2022/93221

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 and LP24 of the Kirklees Local Plan, Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

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 House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A, the open front and rear elevations of the car port hereby permitted shall be kept permanently open with unhindered vehicular access to the rear driveway and garage and use as parking, as indicated on the approved block plan. It shall not be converted into habitable accommodation.

Reason: For the avoidance of doubt as to what is being permitted and in the interests of highway safety to retain off street parking to accord with LP21 and LP22 of the Kirklees Local Plan and Principle 15 of the Council's House Extensions & Alterations Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No. 22/821/01.	Unamended	07/10/2022
Existing Block Plan.	Drawing No. 22/821/02.	Unamended	07/10/2022
Proposed Block Plan.	Drawing No. 22/821/05.	A	09/11/2022
Existing Floor Plans and Elevation Plans.	Title: Existing Plans and Elevations. Drawing No. 22/821/03.	Unamended	07/10/2022
Proposed Floor Plans and Elevation Plans.	Drawing No. 22/821/04.	C	07/10/2022

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 undertook negotiations with the applicant to secure amended plans in the interests of visual amenity in accordance with the Council's House Extensions & Alterations Supplementary Planning Document.

Report Dated: 16/11/2022