

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:	2022/62/93231/W
Site Address:	4, Vermont Close, Scapegoat Hill, Huddersfield, HD7 4PN
Description:	Erection of extensions 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-Dec-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/93231&file_reference=954542

Site Description

4 Vermont Close is a three storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and hosts a blue slate roof. The property is accessed via a shared driveway with a tarmac forecourt to the front of the property with the amenity space for the dwelling to the rear with a lawned garden area at lower ground floor level and terraces at ground floor level. Surrounding development is comprised of detached dwellings of varying styles and design.

Description of Proposal

The application is for the erection of extensions and alterations to the property.

It is proposed that the existing ground floor glass sunroom to the rear of the property would be removed and replaced with a two storey extension. The extension would lie flush with the existing side elevation of the property and would project 5.5 metres from the section of building it would attach to but 3.5 metres from the rear elevation of the property beyond the existing two storey gable with an eaves height set 0.5 metres below the existing eaves and a roofline set down from the existing also by 0.5 metres. The extension would be set back from the rear elevation of the lower ground floor of the building by 2.3 metres. The roof design would be asymmetric. The extension would be a width of 6.5 metres. The proposed construction materials would be to match the host property.

It is also proposed that the ground floor terrace would be extended to the front of the existing two storey gable which would be set back from the existing rear elevation of the terrace by 2.4 metres. The terraced area would be bound by glass balustrade.

It is also proposed to remove the existing porch and replace this with a larger boot room. The extension would be at ground floor level would be set back from the front elevation by 1 metre, projecting to the side by 2.5 metres and set in from the rear section of the property closest to the proposed extension by 2 metres. The eaves height would be 3.2 metres with an overall height of 4.6 metres. The proposed construction materials would be to match the host dwelling.

Internal alterations are also proposed however these do not require planning permission.

The property hosts full permitted development rights.

History of negotiations/amendments received

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

However, as the proposal exceeds the recommended scale for development as set out within the House Extensions and Alterations SPD in terms of the projection for the two storey rear extension, justification for its size has been requested to comply with sections 1.9 to 1.11 of the SPD.

Relevant Planning History

1992/03158 Outline application for residential development
Refused

1992/04094 Outline application for residential development
Conditional Outline Permission

1992/05618 Erection of detached dwelling
Conditional Full Permission

2014/92205 Erection of porch
Conditional Full Permission

2016/92877 Erection of single storey rear extension
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 21st December 2022

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

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

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.

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 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 side and rear extensions and balconies, the SPD states:

Single storey side extensions

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.

2- storey rear extensions

In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining 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 5.8 goes onto refer to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

Balconies

Section 5.5 refers to balconies and states that balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

An assessment of the proposal against these policies and the principles and the relevant design guidance of the House Extensions and Alterations SPD is undertaken in the following report. In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, as well as other matters, being considered acceptable which will be discussed as follows.

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.

It is proposed that a two storey extension would be located on the rear elevation of the property which would replace the existing single storey glass sunroom. In addition, the existing terrace would be extended at ground floor level and the existing porch would be replaced with a larger boot room.

In terms of the proposed side extension to replace the existing porch, this would be single storey in height, therefore subservient. The extension would be set back from the front elevation of the property by more than 500mm and would therefore comply with section 5.17 of the SPD. Whilst it is noted that the extension would be higher than the 4 metres guideline within the SPD, this is due to topography due to the difference between the finished floor level of the property and the external ground level. Due to the limited increase in footprint, this element of the scheme is considered to be acceptable. The construction materials would match the host property and therefore the comply with Key Design 9 of the SPD.

In terms of the proposed terrace, this would be an extension to the terrace and would be in keeping with the existing design of the property, which is characteristic to this property. As such, in terms of visual amenity, this element of the scheme is considered to comply with Key Design Principle 2 in terms of the impact of the proposal on the original property.

In terms of the two storey extension proposed in this case, this would be located on the rear elevation of the property and would replace the existing the existing

single storey glazed sunroom. Whilst the two storey extension would project 5.5 metres at its furthest point, this would be 3.5 metres from the rear elevation of the existing 2 storey gable which appears to be an original feature when viewing historical maps. Due to the large extension proposed, the Agent was contacted as part of the application process and justification for its size was requested. In response, the Agent has raised a number of points in relation to visual amenity which includes the following:

- The existing property is large and can easily accommodate the proposed extensions
- Visual improvement on the existing with the existing conservatory not being in keeping
- The proposed extension is sympathetic and would be constructed from natural materials to match the existing
- The south elevation openings are set deep within the reveal preventing the possibility of glare and breaking up the rear elevation visually
- When measuring the external rear gable, the existing only protrudes 3.5 metres and is set back from the lower ground floor wall by 2.5 metres.

Whilst the extension would be larger than that it would replace, by virtue of being two storeys in height, the design of the extension would be more in keeping with the existing extension by being constructed in matching materials and having large expanses of glazing. It is also part-width set down from the main body of the property and therefore subservient. Other properties within the street scene vary in terms of style and design and there is no particular uniformity. It is not considered that the proposed extension would be out of keeping within the street scene and therefore, the proposal would not result in a development that would be out of character and would therefore comply with Key Design Principle 2 of the SPD.

When considering the cumulation of the proposed works, there would be a minimal impact on the footprint of the building as the only section that would increase the footprint would be the single storey side extension. As such, it is not considered that in terms of footprint, the proposed works would be an overdevelopment of the site. In terms of the visual aspects, the property hosts full development rights and it is considered that in light of extensions that could be constructed without planning permission in addition to the potential for outbuildings to be constructed that there are concerns that any further additions could result in an overdevelopment of the plot. As such, in this instance, it is considered reasonable and necessary to remove Permitted Development Rights for any further extensions or outbuildings for the property. This would accord with Key Design Principle 7 of the SPD.

The extensions and extended terrace 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, having regard to principles 1, 2, 7 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, in terms of the single storey side extension openings would be located within the front and rear elevations of the extension with no openings within the side elevation of the property that would face No. 3 which sits on an oblique angle to the application site.

The proposed terrace extension, to the front of the existing two storey gable would be set on from the shared boundary with No. 3 by 9.2 metres. It is not considered that the enlarge the terraced area to allow for larger terraced would significantly increase the harm from overlooking to Nos 2 and 3 to justify refusal of the scheme in this instance.

With regard to the openings within the two storey section of extension, openings are proposed within the rear elevation with no openings proposed within either side elevation. As the openings would not directly overlook another neighbouring property directly beyond the rear elevation of the property, there are minimal concerns.

At the time of the site visit, the adjacent plot was being development which was classed as Plot 3 within previous application 2015/92476. This plot is set at a lower ground level and is set back from the application site. As part of the justification for the scheme, the Agent has commented on the impact of this dwelling, under construction and states that there would be no impact on the adjacent new build property. The application site (No. 4) is set back from the new-build property which prevents any overlooking/overshadowing issues. Furthermore, both properties face due south which means it will be impossible for the new extension to pose any overshadowing issues. In addition, there no new windows proposed to the west elevation which prevents any overlooking concerns.

Taking into account the above, alongside justification from the Agent, 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. Key Design Principle 15 of the adopted House Extensions & Alterations SPD seeks to ensure acceptable levels of off-street parking are retained and is considered to be of relevance.

In this case there is no increase in bedroom provision as a result of the proposed works and therefore no increase in the demand for off-street parking. Notwithstanding this, there is a double garage accessed at the front of the property and a large area of hardstanding to the front of the property and therefore there are no concerns with regard to parking provision for 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.

It is proposed that the extensions would be constructed from stone which is a locally sourced, recyclable material. In addition, the rear elevation faces to the south where expanses of glazing would be located. The property would therefore benefit from this solar gain which will help to improve the thermal efficiency of the property.

Biodiversity – Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes

on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity”*

The site is not within a bat alert zone on the Councils GIS system and the property is relatively modern and appears to be well sealed and therefore the potential for bats is considered unlikely. Thus, it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a householder development of this scale.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number:

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 and LP33 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 15 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 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 and be retained 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 House Extensions and Alterations SPD and policies within the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To avoid overdevelopment of the site and retain any future extensions combined with existing extensions as subservient additions to the host property to accord with policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing elevations and floor plans	3517(0-10		30 th September 2022
Proposed elevations and floor plans	3517 (0-) 11		30 th 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.

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, as the proposal exceeds the

limitations for the House Extensions and Alterations SPD in terms of the projection for the two storey rear extension, justification for its size has been requested to comply with sections 1.9 to 1.11 of the SPD.

Report Dated: 22nd December 2022

Coal – none