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:	**2022/62/93262/E**
Site Address:	3, Phoenix Avenue, Emley, Huddersfield, HD8 9SD
Description:	Erection of single storey side extension
Recommending Officer:	Edward Cheseldine

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 01-Dec-2022

OFFICER REPORT

Site Description

3 Phoenix Avenue is a single-storey bungalow in Emley. Materials of the walls of the property are built with stone, which is prominently featured on the chimney breast. There is a gable ended roof incorporating of tiles made of concrete. Features of the property are a chimney breast in a central position of the property that protrudes from the external ground floor. Material of the window frames are Upvc.

The property features a modest front garden that extends to the corner plot of the street, bending round the side of the dwelling. There is a driveway with space for a single vehicle, as well as a single garage outbuilding with a flat roof.

Other properties on the street are similar build bungalows with low wall boundaries.
The surrounding streets have modernist dwellings of similar styles which are set in spacious grounds.

The property does not face onto other properties, instead the property faces a garage and back gardens which are separated from the roadside by a stone wall.

Proposal Description

The application is seeking planning permission to erect a side extension with a flat roof, which includes a single door, two wall windows and a skylight. There is also to be a new skylight in the existing kitchen area.

The extension would project 1.4m from the side of the house. The extension would reach a maximum height of 2.9m. The width of the extension would be 7.0m, that would project 1.0m from the end of the existing house. The extension would be 700cm from the boundary fence.

A skylight in the kitchen is to be constructed, the dimension for which are 2000x1000cm.

Materials for the extension are to be constructed at a contrast to the existing structure. The walls are to be an off-white rendered material, with a flat roof made of rubber bond. Window frames are to be made of Upvc which are in keeping with the existing materials.

Relevant Planning History

There are no other planning applications for this dwelling.

History of negotiations

No amended plans have been considered.

Representations

The application was advertised by neighbour letters, which expired on 17/11/2022

As a result of the above publicity, no representations have been received.

Denby Dale Parish Council has been notified of the proposed development, to which they did not object to the proposal.

Consultation Responses

No consultation has been 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 UNALLOCATED on the Kirklees Local Plan Proposals Map.

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National

Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 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

1) Principle of development
2) Impact of visual amenity
3) Impact of residential amenity
4) Impact on highway safety
5) Other matters
6) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The property is located in the village of Emley, in a typical residential street. Despite the village of Emley being rural, the street scene has a distinctly suburban character. Characteristics of the housing is distinctly modernist, using stone and large gable ended roofs. Properties in the surrounding streets

are of a similar age and size in relation to each other. Many of the surrounding properties have had minor alterations and extensions.

Phoenix Avenue is a small link road connecting surrounding, residential roads. Phoenix Avenue hosts three residential properties, however only 5 Phoenix Avenue is separated in the row by Broomhey Avenue. The rear of the property is bordered by two properties, 1 Rishworth Avenue & 6 Broomhey Avenue.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (HEASPD) does state 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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state 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 details.

Paragraph 5.17 of the Extensions & Alterations SPD further outlines the appropriate size and scale suitable for single storey side extensions, which are addressed below;

As such, single storey side extensions should:

- Not extend more than two thirds of the width of the original house;
- Not exceed a height of 4 metres; and
- Be set back at least 500mm from the original building line to allow for a visual break.

The single storey side extension meets all of the above criteria.

The proposal under consideration consists of four distinct elements which shall be addressed below.

Scale – the side extension is of a modest nature which is appropriate to the scale of the current dwelling. The other proposed alterations are mainly cosmetic; therefore, the application is seen to be of an appropriate scale.

Size – the proposed size is relevant to existing structure. Given the nature of the placement of the proposed extension, the size of the structure means there is no break in the aesthetics of the street. The extension will be of limited visibility from the roadside. The structure’s height is in keeping with the height of the eaves of the existing dwelling and will therefore look proportionate to structures in the street.

Design – whilst the proposed flat roof is not of a high standard of design, it is considered in this instance that due to the existing flat roof element, of which the proposed extension will replace, that the design will not give rise to any additional significant harm. Furthermore, there are several structures in the area with flat roofs, including prominent garages.

Materials – the proposed materials are apathetic to the surrounding street scene. An off-white render will conflict with the stone aesthetic of the dwelling. However, on balance, the position of the extension will omit the aesthetic damage inflicted on the street scene, as the scale, size and position of the extension will be minorly visible from the roadside.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to outlining principles.

Key Design Principle 3 of the SPD states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*. Reasonable privacy for neighbours is backed up by Key
Design Principle 4, regarding the installation of side windows, which states, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook'*.

The proposed development will reduce the distance between existing properties which will reduce space between the dwellinghouses.

Paragraph 5.16 of the Extensions & Alteration SPD states, Side extensions should maintain the quality of the environment for neighbours by:

- Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and
- Positioning windows to minimise or avoid any potential overlook into neighbouring gardens.

The proposed extension will extend the existing dwelling closer to the property boundary with 1 Phoenix Avenue, potentially causing loss of light, however the topographical features of the land will mitigate a potential significant impact to loss of light as the ground height is lower at 3 Phoenix Avenue therefore the development will not overbear the neighbouring property.

There is to be one side window installed which will face the neighbouring property. On the floor plan, this room is noted as a W/C area. In order to protect current and future occupants of the neighbouring property, a condition is recommended that the side W/C window is obscured.

Impact on:

The neighbour to the side:

With regards to the impact on the 1 Phoenix Avenue, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in terms of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the rear of the house and would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Other matters:

Biodiversity

The development is for a porch to be installed on the front of the property which is to be single storey. Whilst the property is located in an area, which is known to include bat habitats, as the proposed works are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were 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.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

The development shall not be occupied until such time as the W/C window in the side elevation of the extension hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Conclusion:

This application to erect side extension room, with a flat roof, single door and two wall windows and a skylight as well as to install a new skylight in the kitchen has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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**

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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The development shall not be occupied until the W/C window in the side elevation of the extension hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.
   Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims 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: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plan Type	Reference	Web ID	Date Received

Grouped Plans and Elevations	N/A	955552	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 Planning Authority has, 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. As the submitted plans were considered acceptable, no changes were sought.