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:	**2022/62/93523/W**
Site Address:	1, Woodlands Drive, Lepton, Huddersfield, HD8 0JB
Description:	Erection of single storey rear extension
Recommending Officer:	Laura Eddey

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: 06-Feb-2023

OFFICER REPORT
Application Reference Number: 2022/93523
Site Address: 1, Woodlands Drive, Lepton, Huddersfield, HD8 0JB

SITE

The site is a two-storey, semi-detached red brick mid-C20th dwellinghouse located in a residential estate on the corner of Woodlands Drive, Lepton. It has not been extended previously, but permission for a single-storey side extension was granted in 2018. The site is prominent at the junction of Woodlands Drive and Woodlands Road and benefits from access via both highways. The site has a large garden area to the front, side, and rear. The site is in an area for low-risk area for coal mining and is unallocated on the Kirklees Local Plan.

PROPOSAL

The proposal is for a single-storey rear extension. The extension projects 4.0 m from the rear elevation of the host building and is 4.5 m wide, with a 0.25 m soffit on each elevation. It would be separated from the adjoining property by approx. 1.5m. The proposed extension will be built from brick matching the host property with a matching tile hipped roof. The contour of the land inclines to the northeast. The proposed extension measures 3.4 m to the roof ridge. The rise of the land means that the measurement to the eaves on the northeast elevation is 2.6 m and 2.4 m on the southwest elevation. There will be a rooflight in the northeast

PLANNING HISTORY

2018/93249 - Erection of single storey side extension – **Approved** (not implemented and now expired)

HISTORY OF NEGOTIATIONS

The originally submitted plans were considered to have an adverse impact on the residential amenities of the adjoining property. Amended plans were secured moving the extension away from the boundary, the agent also submitted evidence of the 45 degree line and justification for the extension projecting 4m.

The amended plans were not re-publicised as these were considered to reduce the impact of the development on surrounding property.

PUBLICITY & REPRESENTATIONS

The application was publicised by means of neighbour notification letters in accordance with Table 1 of the Council's Development Management Charter.

The period of publicity expired on 21st December 2022.
No representations received.
Kirkburton Parish Council – 'no comments'
CONSULTATIONS
None

POLICIES
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) and Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).
The site is unallocated in the Local Plan but is situated within the Green Belt.
Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP21** – highway safety
- **LP22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity

Supplementary Planning Documents:
- KC House Extensions and Alterations Supplementary Planning Document (SPD) adopted June 2021.

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 4 – Decision-Making
- Chapter 12 – Achieving Well-Designed places
- 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
3) Impact on residential amenity
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development:
The site is unallocated in the Local Plan.
NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

The SPD provides specific guidance on single storey rear extensions as follows:

5.5 Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.

5.6 Single storey extensions 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.

2 – Impact on visual amenity:
The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and *"c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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.

Within the street scene, the property is located on a corner and there are open views of the front, side and rear gardens. The rear of the building is more prominent as it is viewed from the busier Woodlands Road. The subservient design of the extension with a hipped roof will be in keeping with the scale and size of the original house, will not cover more than half the total area around the original house or exceed 4 metres in height and retains at least 1m from both the side and rear boundaries of the house. The design and materials would harmonise with the host property and it would not form an incongruous feature in the wider area. Although it would project beyond the rear boundary by 4m, exceeding that set out in the SPD, it would still be subservient viewed with the property, which has a substantial curtilage. For this reason this is considered to justify departing from para 5.6 of the SPD.
It is considered that the design of the proposal meets the requirements set out by LP24, and KDP 1 and 2 of the SPD. The specific guidance for rear extensions has also been considered and found to be satisfactory.

3 – Impact on residential amenity:

Section B and C of LP24 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 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
Key Design Principles 3, 4, 5, 6 and 7 are considered along with Section 5 of the House Extensions and Alterations SPD also provides guidance on specific types of extensions and alteration. Of note, section 5.1 *Rear extensions* outlines general rules for design, size, impact including privacy and overshadowing, and remaining amenity space.
Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.
Principle 4 notes that 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.
Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and recommends that a horizontal 45-degree line from a neighbouring habitable room window is not breached.

Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.
Principle 7 of the House Extensions and Alterations SPD states that extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.
The proposed design was amended after the original plans were considered to impact the adjoining neighbour at no. 3 Woodlands Drive by way of proximity and potential for overshadowing. The scheme was revised to relocate the extension to lie flush with the exposed side elevation and away from the shared boundary by 1.6 m between the boundary and the side elevation of the proposed extension. The proposal meets requirements set out by KDP 5 including the 45-degree rule. As the proposal is beyond a 3.0 m projection, due to the hipped roof design and the distance from the shared boundary, the orientation of the extension to the neighbouring property (which is to the south) it is considered to be acceptable at 4.0 m. and will not receive any material overshadowing or loss of light. There is also a 2.5 m beech hedge along the boundary that will be retained and which presently prevents overlooking between the properties. Given the separation of the extension to the boundary, it is considered it would not present an overbearing feature when viewed from no. 3.
Ample space would be retained on site for amenity space for the residents in accordance with KDP 7.
It is therefore considered that the proposed development complies with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and Principles 3-7 of the House Extensions and Alterations SPD.

4 – Other Matters:

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 and Policy 13 of the HVNDP echo 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 in the bat alert area. In these circumstances, and since the proposal is for a single-storey, residential extension, it is considered that there is not a reasonable likelihood that harm would be caused to protected species. Given this and the small scale of the proposal, it is considered that it

would not be reasonable or proportionate to seek to achieve biodiversity net gain in this instance

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. KDP 8-11 of the SPD set out a series of issues that might be applicable to certain applications.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a single-storey extension within an urban area it is considered that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in these circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above and set out in NPPF Chapter 14.

Highway Safety:

The extension would not impact on parking provision, materially increase the accommodation to the extent that further parking would be required and would also leave facilities for the storage and collection of wastes unchanged.

The development complies with Policies LP21 and LP22 of the Local Plan and KDPs 15 and 16 of the SPD.

5 – Representations:

None

6 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken constitute the government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Conditional Full Permission

Application Number: 2022/93523

Officer Recommendation: Conditional Full Permission.

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 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and Principles 1-17 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

3. The external facing and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing dwellinghouse.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Key Design Principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	0134 / 2021	01	31/10/2022

Plan Type	Reference	Version	Date Received
Proposed Plans and Elevations	0134 / 2021	04 A	01/02/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to overcome demonstrable harm to the amenities of the neighbouring property. This decision is based on the amended plans received.

Report Dated: 6th February 2023