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:	**2022/62/93587/E**
Site Address:	30, Savile Street, Emley, Huddersfield, HD8 9RX
Description:	Erection of single storey rear extension with associated external alterations
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Feb-2023

Officer Report

Reference No. 2022/62/93587/E
Site Address: 30, Savile Street, Emley, Huddersfield, HD8 9RX
Proposal: Erection of single storey rear extension with associated external alterations

Site Description
The application relates to 30 Savile Street, a two-storey semi-detached property situated in a residential area in Emley, Huddersfield. The dwelling is faced in red brick and incorporates a hipped roof finished in slates. The property benefits from off road parking to the side and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar architectural styles and materials.

Description of Proposal
The application seeks planning permission for the construction of a single storey rear extension including external alterations. The proposed single storey rear extension would project approximately 5.4m from the rear elevation of the original dwellinghouse. It would feature a maximum height of approx. 3.65m and a height to eaves of approx. 2.8m.

Relevant Planning History
Not Applicable.

Representations
The application was publicised by neighbour notification letters, which expired on 30th December 2022. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – No objections

Consultation Responses
Accessible Homes were informally consulted and raised no objections to the scheme.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design

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, 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 12** - Achieving Well-designed Places

<u>Assessment</u>

1. **Principle of development**

   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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. Key Design Policy 17 of the House Extensions and Alterations SPD states that extensions and alterations to existing houses should consider how the needs of a range of different users can be met in facilitating access and movement.

   The application has no specific allocation within the Kirklees Local Plan. As such, Policy LP24 is relevant in that it states that proposals should promote

good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, the proposal would be considered acceptable in principle.

1. Impact on visual amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) 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 SPD 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.

Single Storey Rear Extension

The proposed single storey rear extension would extend approximately 5.4m from the rear elevation of the original dwellinghouse. The enlargement would incorporate a dual pitched roof and would be finished in a material palette to match the appearance of the host property. Although the extension would have a large scale, it would appear subservient to the original build and would retain a gap of at least 1m to all property boundaries such that a sense of space would be maintained within the plot. Furthermore, KC Accessible Homes have confirmed that a survey of the property was undertaken that concluded that the enlargement's size would be necessary to support the applicants' medical needs. Therefore, in this instance, it was considered that the benefit created would outweigh any harm to visual amenity in this instance.

External Alterations

The submitted plans also confirm that excavation works would be undertaken to the existing raised terrace to allow for the proposed single storey rear extension. It is noted that a 600mm retaining wall would be erected south-west of the site and a 700mm retaining wall with fencing would be installed to the south-east. Given that the proposed works would not be over engineered, would be of a domestic scale and would have limited visibility from public vantage points, it is considered that the proposal would not have any significant visual impact on the character and appearance of the host property.

Summary

For these reasons, the proposed development would not cause any 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 proposal would form a subservient

addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 28 Savile Street

The submitted plans confirm that the proposed single storey rear extension would be positioned approximately 2.5m away from the common boundary shared with 28 Savile Street and would accord with the 45 degree rule in relation to the neighbour's ground floor fenestration. On this basis, it is considered that the proposed development would have an acceptable impact on the neighbour's residential amenity.

Impact on 9 Savile Avenue

9 Savile Avenue is a terraced bungalow located to the rear of the application site. The proposed single storey rear extension would occupy a position approximately 21.4m from the front fenestration at no.9. Therefore, given that sufficient separation distance would be retained, it is considered that there would be no overlooking or overbearing impact on the adjacent occupant's amenity as a result of the proposed works.

Impact on 32 Savile Street

32 Savile Street is a residential property located north of the application site. The plans confirm that the proposed single storey rear extension would be sited approximately 2.23m from the common boundary shared with no.32. Whilst it is noted that the corner of the enlargement would protrude past the 45-degree angle measured from the midpoint of the neighbour's ground floor window, the size of the extension is considered necessary to support the occupant's medical needs. Therefore, it is considered that the personal benefit created would outweigh any harm to the neighbouring occupants.

Furthermore, it is noted that the proposed single storey rear extension would contain a modest window on the side elevation which would face towards the outdoor amenity space at 32 Savile Street. Although the window would serve a W.C. which is a non-habitable room, a condition has been added,

to ensure this is obscurely glazed, to prevent any undue harm to the neighbouring occupants.

Occupier Amenity
The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary
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 House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety
The proposed development would create an additional bedroom which would intensify the domestic use at the property. The plans confirm that the driveway associated with the application site is also shared with the occupants at 28 Savile Street. Although the driveway would provide some off road parking provision, it is also taken into account that there are no parking restrictions on street. Therefore, it is considered that on balance the parking arrangements would be adequate in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters
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 relevant to the determination of this application.

5. Representations
No representations were received following the statutory publicity.

6. **Negotiations**

Amendments were sought during the course of the application. A request was made to alter the projection of the proposed single storey rear extension to 3m. However, KC Accessible Homes have since confirmed that the dimensions of the enlargement would be necessary to support the occupant's medical needs. On this basis, it was considered that the personal benefit created would outweigh any harm to visual and residential amenity.

7. **Conclusion**

This application for the erection of a single storey rear extension and external alterations at 30 Savile Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and 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

Decision Authorisation - Delegated Powers
Application Number: 2022/93587
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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims 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 thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The proposed W.C. window in the side elevation of the single storey rear extension shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale and non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.
Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the Council's House Extensions and Alterations SPD.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	2247	07/11/2022
Block Plan	2247	07/11/2022
Existing Plans	01	23/11/2022
Proposed Plans	02	08/11/2022

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 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 31/01/2023