

**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:	2022/62/93649/W
Site Address:	31, Red Doles Road, Fartown, Huddersfield, HD2 1AT
Description:	Erection of two storey and single storey rear and side extension
Recommending Officer:	Lucy Taylor

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: 28-Mar-2023

Officer Report.

Reference: 2022/93649

Location: 31, Red Doles Road, Fartown, Huddersfield, HD2 1AT

Proposal: Erection of two storey and single storey rear and side extension

Site Description.

31 Red Doles Road is a two-storey semi-detached property located in Fartown, Huddersfield. The property is faced in brick and render, with a hipped roofing style infilled with tiles. Within the wider curtilage of the site, the property benefits from on-site parking amenity space, with a driveway to the front and side. A detached garage is currently set to the rear. Private outdoor amenity space is present to the rear of the property.

The property is located in an area with a strong sense of similarity established. This is because all of the properties within the streetscene share the same style of design and construction, two-storey, semi-detached and faced in matching exterior materials.

Description of Proposal.

Planning permission is sought for the erection of a two-storey and single storey rear extension and a side extension.

The two-storey extension would project 3.2 metres from the rear elevation of the host dwelling. The total width of the two-storey extension would be 5.75 metres, projecting beyond the side elevation of the host dwelling by 1.8 metres. The two-storey extension would have a maximum height of 6.85 metres, with a hipped roof above.

A monopitched roofed single storey element would project from the north-west side elevation of the two-storey extension by 1.3 metres, with a length of 3.2 metres and a maximum height of 3.5 metres.

A single storey extension would project from the two-storey extension by 2 metres, with a total width of 4.45 metres and a maximum height of 3.5 metres. A lean-to roofing form would be erected above the single storey extension.

The external walls of the extensions would be faced in brick and render, and the roofs would be infilled with tiles to match the host roof.

To the rear elevation, two windows are proposed to the first floor and one window and a set of glazed doors are proposed to the ground floor. Two windows are proposed to the front elevation of the side projection, one to the ground floor and one to the first floor. All of these forms of glazing would be framed in UPVC to match existing forms of fenestration to the host dwelling.

Within the interior of the dwelling, the extensions would function as a kitchen and dining room to the ground floor and as two bedrooms to the first floor.

History of Negotiations.

The case officer entered into negotiations with the applicant, recommending that revisions be made to the original scheme in accordance with the guidance within the House Extensions and Alterations SPD.

The applicant submitted revised plans, showing the two-storey extension to be pulled back by 200mm, claiming that this amendment would avoid any clipping with the neighbouring property.

Upon assessing the revised scheme, the case officer acknowledged the reduced projection of the two-storey extension by 0.2 metres but noted that the projection of the single storey element had been increased by approximately 0.2 metres.

The case officer contacted the applicant to inform them that the amendments made were considered minor and failed to address all of the design requirements as set out within the House Extensions and Alterations SPD. Following this communication, the applicant provided a second set of amended plans, dated 10th March 2023.

The second set of amended plans attempted to address the design guidance of the aforementioned SPD, reducing the width of the two-storey extension to increase separation from the shared boundary and adding a flat roofed single storey element to overcome concerns of overbearing/overshadowing.

During the final assessment, the case officer noted that the scheme still failed to comply with the design requirements of the House Extensions and Alterations SPD, specifically with regard to the projection of the two-storey extension. Upon notifying the applicant of this, a third set of amendments were submitted, reducing the projection of the two-storey extension and adjacent single storey rear extension down to 3.2 metres.

The final determination of this application is on the basis of the amended plans as submitted 27th March 2023.

Relevant Planning History.

- **2014/90216** – Erection of single storey side and rear extension and removal of existing garage. *Approved.*
- **2015/92882** – Erection of single storey side extension with open front porch. *Approved.*

Upon undertaking a site visit to 31 Red Doles Road, the case officer was able to confirm that neither of these previous planning permissions have been implemented on 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 13th February 2023 – no representations were received.

Although amended plans were sought and submitted, it was not considered necessary to re-advertise the scheme. This is because the amended plans did not significantly alter the original principle of development and improved the overall design of the scheme from a visual and residential amenity perspective. In turn, it was not considered that the amended plans would give rise to any representations where the original scheme has not received any objections.

Consultation Responses.

KC Health and Safety – do not advise, on safety grounds, against the granting of planning permission.

KC Highways Development Management – The access and driveway would remain as existing, therefore, these proposals are considered acceptable to Highways Development Management.

Lead Local Flood Authority – no comments.

Policy/Legislation.

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 application site is located within an area with a known presence of bats. The site is also classified to be within a Hazardous Material Site and within Flood Zone 3.

The site is within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, together with Circulars, Parliamentary 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 9 – Promoting Sustainable Transport
- 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 will be considered as part of the assessment of the proposal: -

1) Principle of Development

- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality 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.”*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*

- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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, heritage assets and landscape...'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

- Key Design Principle 1 – Local Character and Street Scene
- Key Design Principle 2 – Impact on Original House

Paragraph 5.8 relates to two-storey rear extensions, setting out that they 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
- not project out more than 3 metres from the rear wall of the 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
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

Paragraph 5.11 relates to part two storey, part single storey extensions, setting out that *'clear consideration should be given to the design of part two-storey, part single storey rear extensions to ensure the proportions reflect those of the original house and that they do not overlook, overshadow or dominate neighbouring properties or gardens'*.

Paragraph 5.19 is relevant to two-storey side extensions, stating that they can have a significant effect on the character of the original house and the street, with Paragraph 5.20 setting out that they should:

- not take up all or most of the space to the side of a house

- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.

In terms of design, the proposal is to erect two-storey and single storey rear and side extensions at 31 Red Doles Road. It is considered that the cumulative scale and design of the proposed extensions would be acceptable in the context of the host dwelling and surrounding streetscene, with the majority of the proposed built form to be set to the rear of the host property and the projection beyond the side elevation set significantly back from the front wall of the house and retaining separation from the shared boundary (approx. 0.5 metres).

In turn, given the subservient setting of the majority of proposed built form and the in keeping appearance of the extensions with the host property, it is not considered that the proposal would appear incongruous or out of keeping with the existing dwelling. Conclusive therefore, it is not considered that the proposal would lead to the overdevelopment of 31 Red Doles Road.

With regard to the wider streetscene, whilst the extension which projects beyond the side elevation of the host dwelling would be visible from public vantage points, this is not considered to disrupt the character of the street scape, set significantly back from the fronting highway of Red Doles Road, of a relatively minor projection (1.8 metres) and of an in keeping architectural form.

It should also be noted that, extensions are featured along Red Doles Road, including the relatively large-scale extensions established to the nearby property of No. 27 Red Doles Road.

It is therefore considered that the proposed developments would be sympathetic to the design of the host property and would not harm the appearance of the dwelling or the character of the wider street scene, in compliance with Chapter 12 of the NPPF, LP24 (a and c) of the Kirklees Local Plan and guidance within Principles 1 and 2 of the SPD.

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 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.

Whilst the extension would result in some loss to the existing outdoor amenity space at 31 Red Doles Road, in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, an adequate extent of private amenity space would be retained.

The impact of the development on each of the neighbouring properties will be accessed in turn.

No. 29 Red Doles Road:

This property adjoins the application site.

The proposed two-storey rear extension to 31 Red Doles Road would be separated from the shared boundary with No. 29 by 2 metres and the single storey element would be separated from the shared boundary by 0.7 metres. In turn, these separation distances are considered to appropriately mitigate undue levels of overbearing from the extensions for the occupiers of No. 29 Red Doles Road.

In addition, the case officer has determined that the extensions would not materially affect the amount of natural light presently enjoyed by the neighbouring property. The rear extensions would pass the 45-degree rule as set out in the House Extensions and Alterations SPD.

The extensions present no glazing to the side elevation facing towards No. 29. In turn, the extensions present no detrimental impacts of overlooking and therefore, are concluded to retain appropriate levels of residential privacy.

No. 33 Red Doles Road:

This property neighbours the application site to the east.

It has been concluded that the proposed extensions to 31 Red Doles Road would not result in undue impacts of overbearing or overshadowing for the occupiers of this neighbouring property. This is a result of the extensions retaining a minimum separation from the shared boundary of 0.6 metres and appropriately complying with the 45-degree rule as set out in the House Extensions and Alterations SPD. The use of desktop sunlight calculator further reinforced this conclusion, with results showing the extensions to present an increased potential of overshadowing during only the minimal hours of approximately 18:00-20:15.

The extensions present no glazing to the side elevation facing towards No. 33. In turn, the extensions present no detrimental impacts of overlooking and therefore, are concluded to retain appropriate levels of residential privacy.

No. 22 Jacinth Court:

This property is located to the rear (north) of the application site.

Given the spatial relationship between the setting of these two neighbouring properties, the proposed extensions to 31 Red Doles Road would be erected adjacent to the rear garden amenity space at No. 22 Jacinth Court.

The proposed two-storey extension would retain a separation distance from the rear boundary of approximately 12.5 metres and the single storey extension a separation distance of approximately 10 metres. In turn, these separation distances work to ensure that no undue impacts of overbearing or overshadowing would be caused for the occupiers of No. 22 Jacinth Court.

In addition, although the two-storey rear extension would bring 1st floor glazing closer to the shared boundary with this neighbouring property, a separation distance of approximately 12.5 metres is considered adequate in this instance to retain appropriate levels of residential privacy.

In light of the above, the proposal is considered to have an acceptable impact on residential amenity. The scheme therefore appropriately accords with Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

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. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed extensions would increase the number of bedrooms at 31 Red Doles Road from three to four. The House Extensions and Alterations SPD suggests that 4+ bedroom dwellings should provide 3 off-street parking spaces.

Given the extent of hard surfacing already laid to the front and side elevation of 31 Red Doles Road, it is considered that the property would retain sufficient levels of on-site parking following the erection of the proposed extensions. In addition, officers note that on-street parking is available to the front of the property along Red Doles Road.

It should also be highlighted from a highways safety perspective, that the proposed works to 31 Red Doles Road would not alter existing routes of vehicle access to and from the host property in conjunction with the fronting highway.

In turn, the proposals at 31 Red Doles Road would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension 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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees 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 application site lies within the bat alert layer on the Council's GIS system. The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Hazardous Materials:

31 Red Doles Road is classified to be located within the outer zone of a major hazard site. As a result, a formal consultation has been undertaken with KC Health and Safety as part of the assessment of this application. KC Health and Safety concluded that they do not advise, on safety grounds, against the granting of planning permission in this case.

Flood Risk:

LP27 of the Kirklees Local Plan states that proposals must be supported by an appropriate site-specific Flood Risk Assessment in accordance with National Planning Policy. LP27 goes on further to outline that this must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposals will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible, should reduce flood risk. Mitigation measures, where necessary, should also be proposed.

Further to this, Key Design Principle 14 of the House Extensions and Alterations SPD sets out that extensions and alterations should ensure that all new developments are resilient and resistant to flood risk.

A flood risk assessment was submitted as part of this application, setting out the following mitigation measures to be incorporated into the development:

- Floor levels within the proposed development will be set no lower than existing levels, with a 150mm step up to ground floor level.
- High level air bricks will be used.

With the inclusion of these mitigation measures, the proposed development would be concluded to appropriately comply with Policy LP27 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

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: 2022/93649

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24,

LP27, LP30 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 14 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 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 thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD policies within Chapter 12 of the National Planning Policy Framework.

Note: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to 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 they 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: The application site is located in a high risk coal area.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing Elevations	UD-508-02	-	10.2.22
Existing Floor Plans	UD-508-01	-	10.2.22
Proposed Floor Plans	UD-508-01	-	27.3.23
Proposed Elevations	UD-508-02	-	27.3.23
Flood Risk Assessment			6.12.2022

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 preapplication 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 sought a series of amendments in accordance with local and national policies and guidance with regard to maintaining high standards of visual and residential amenity.

Report Dated:

28.3.23