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:	**2022/62/93720/W**
Site Address:	8A, South View, Paddock, Huddersfield, HD1 4UE
Description:	Erection of single storey front extension
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: 30-Jan-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93720

Site Description

8A South View is formally a pair of semi-detached dwellings which were known as 137 and 139 Church Street. The property has been converted into one dwelling and is two storeys in height and is constructed from stone with a concrete tiled roof. The property is et back within the site and has a lawned garden separating the from the roadside. Garage provision is also taken off the roadside where a dropped kerb is located and the boundary treatment fronting South View is a high stone wall. The property is located within the defined Paddock Local Centre.

Surrounding properties are comprised of a row of terraced dwellings to the south-east and semi-detached dwellings to the south-west. To north are terraced rows which are a mixture of commercial and residential properties.

Description of Proposal

The application is for the erection of a single storey front extension.

The measurements of the proposal are as follows:

- 2m increasing to 3m in projection
- 6.8m in width
- 2.8m in height to the eaves; 3.95m in overall height

The proposed extension would be built from materials to match the host property using stone with a concrete tiled roof.

History of negotiations/amendments received

Concerns were raised with the initial submission which proposed the extension to have a 4 metre projection. It was considered that such a projection would not result in a subservient design. As such, the Agent was contacted and reduced the scheme to a development which seeks a 3 metre projection. The amended plans were received on 30th January 2023.

Relevant Planning History

None

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. The amended

plans were not re-advertised as these proposed a reduction in the overall projection of the structure.

Final publicity date expired 27th December 2022 – no representations received

Parish/ Town Council – not applicable

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
- **LP 30** - Biodiversity and geodiversity

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.

- Chapter 15 – Conserving and enhancing the natural environment

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).

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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to front extensions, the House Extensions and Alterations SPD states the following under paragraph 5.13 that:

‘Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.’

Paragraph 5.14 of the House Extensions and Alterations SPD goes on to state that single storey extension of the front of a house will normally not be permitted unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

In this case it can be stated that the principle of development is acceptable subject to the impacts on visual amenity, residential amenity and highway safety.

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.

The design of the proposal is such that a single storey extension is proposed to the front of the building which would be utilised as an extension to create living room. There is also a less of a projection to enable a porch to be constructed. This would extend over part of the width of the front elevation which retains part of the front elevation and the entire first floor of the property being clearly read as the original property. It is noted that due to the property being set back within the plot that there is limited scope to extend the property other than to the front of the dwelling.

The extension would project 2 metres from the front elevation for the porch section and 3 metres from the front elevation for the section to create a living room to enable a ground floor bedroom to be created. Whilst extensions to the front of properties are not common within the street scene, in terms of the requirements of the SPD, the house is unique in that it does not front the roadside and is therefore set back, has some element of screening from the existing garage to the location of the proposed extension. The extension would be subservient to the host property by virtue of being part width and the materials would match the existing property. In additional the fenestration details would match those on the upper floor of the building.

As the extension would be, on balance, small in scale, subservient to the host dwelling and set back from the pavement, separated by the front garden and a detached garage, it is considered that the works would comply with paragraph 5.2 and sub-paragraphs 5.13 and 5.14 of the SPD.

The amenity space for the property is entirely to the front and the submitted plans demonstrate that there would be an adequately sized garden area retained for amenity space and therefore the proposal would comply with Key Design Principles 1, 2, 7 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

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.

Openings are proposed within the front elevation of the extension with no openings within the side elevations or roof slope. The neighbouring properties that would most impacted on are the two properties to either side of the site which are known as 8 South View and 9 South View both of which contain windows facing the application site, albeit at an angle.

Openings are located within the ground floor side elevation and the ground and first floor elevations of No. 9 and the ground and first floor of the rear elevation to No. 8. Due to the openings being within a habitable room, as defined within Key Design Principle 4 of the SPD, this needs to be considered as part of the proposal along with Key Design Principle 3 with regard to privacy.

Key Design Principle 3 advises that in general, no less than 12 metres is recommended between windows of habitable rooms that face onto windows of non-habitable rooms and no less than 21 metres is recommended between facing windows of habitable rooms. Due to the orientation of No. 9 and the siting of the proposed and existing openings, it is not considered that the impact on this property would be significantly greater than the existing layout and therefore there are minimal concerns.

In terms of the impact on No. 8, whilst the separation distances would not be met, the openings would be away from the rear of this property due to orientation and due to the existing boundary treatment, it is unlikely that the proposed openings would cause significant harm from overlooking at close proximity.

As the proposal is single storey in height, it is not considered that there would be significant harm from overshadowing or by being overbearing. As such, it is considered that the proposed works would comply with Key Design Principles 5 and 6 of the SPD as well as Policy LP24 of the Kirklees Local Plan.

It is therefore considered that the proposal is acceptable and would not cause significant harm to neighbouring properties in accordance with Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and advice within 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.

There is off-street parking provision for the property by way of a detached pre-fabricated garage.

Key Design Principle 15 of the SPD relates to the provision of parking and states that proposals should maintain appropriate access and parking

arrangements and the number of parking spaces required is dependant upon the size of the property and the prevailing local characteristics. The proposed plans do not indicate how many bedrooms the property currently hosts however it is noted that the plans indicate alterations to the internal room names at ground floor level. Guidance states that 2 to 3 bedroom dwellings should provide a minimum of 2 off-street car parking spaces and 4+ bedroom should provide 3 off-street parking spaces. There is a lack of off-street parking for the properties along the eastern section of South View as the terraced row adjacent to the application site has no off-street parking provision. In this instance, it is not considered that additional off-street parking provision is required due to the resultant loss of amenity space which would occur which would impact on both the amenity of the occupiers of the property and the visual amenity from the street scene should parking be formed within the garden area of 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 extension would be constructed from stone which is a natural, locally sourced material which is sustainable and recyclable and therefore meets the requirements of Key Design Principle 8 of the SPD.

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 proposal would not result in any alterations to the roof of the existing dwelling and the site is not within a bat alert zone on the Councils GIS system. It is therefore 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: 2022/93720

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 LP30 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 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 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 advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan, proposed site plan, existing and proposed elevations and floor plans	PL102 – Rev: A		30th January 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.

Concerns were raised with the initial submission which proposed the extension to have a 4 metre projection. It was considered that a projection of such a projection would not result in a subservient structure. As such, the Agent was contacted and reduced scheme submitted which seeks approval for a 3 metre projection. The amended plans were received on 30th January 2023.

Report Dated: 30th January 2023

Coal – none