

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:	2022/62/93750/W
Site Address:	479, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG
Description:	Erection of a rear dormer and a single storey rear & side extension with disabled ramp.
Recommending Officer:	Sam Jackman

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: 26-May-2023

Officer Report – 2022/93750

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93750>

Site Description

479 New Hey Road, Salendine Nook, is a brick semi-detached bungalow with a concrete tiled roof. The property currently shows the internal layout with 4 bedrooms and provides off- street parking for 2 cars with no parking restrictions along the front of the property. The property benefits from a detached store and rear conservatory. The rear garden is fairly flat however, you would step down into the garden via 3 steps from the rear access door.

Along the shared boundary with No. 477, there is a 4m high leylandii hedge.

Description of Proposal

The application is for the erection of a single storey rear extension which would extend to the side of the property and a rear dormer, replacing the existing conservatory and extended kitchen.

The measurements of the dormer are as follows:

- 3.8m in projection
- 7.85m in width
- 2m in height
- Set down from the ridge by 0.25m

Materials not specified.

The measurements of the rear extension are as follows:

- 4.6m in projection
- 11.25m in width, the full width of the rear elevation and an additional 2.2m past the side gable
- 2.75m in height to the eaves; 3.7m in overall height with a shallow lean-to roof and an asymmetrical roof to the new utility.

- The existing wall for the conservatory will be retained on the boundary with No. 477 and the extension will then be set in 0.15m for the remaining 1.54m, where the existing hedge will be removed retaining the remainder.

The proposal also includes a disabled ramp to the rear of the property, providing access from the kitchen into the garden.

The proposed extension would be built from materials to match the host property with no specific materials referred to on the application form.

History of negotiations/amendments received.

The application original was submitted for a 2-storey rear extension with a pitched roof with a small flat roofed single storey extension to the side linking the kitchen to the existing store/garage. The extension proposed would have projected 5.3m

Amended plans have been received to show a rear dormer and single storey rear extension with a reduced projection to 4.6m.

Further amendments have been received to replace the flat roof over the utility with an asymmetrical dual pitched roof, the eaves lowered for the rear elevation and the disabled ramp having clear top & bottom platform areas, along with steps shown from the rear elevation of the existing storeroom.

Relevant Planning History

2022/93868 – 477 New Hey Road, Salendine Nook – single storey rear extension and rear dormer - current application.

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, which expired on the 17.1.23, whereby no representations have been received.

The amended plans were considered to make marginal changes to the proposal's design (reductions) and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

Consultation Responses

None

Policy

The site is unallocated on the Kirklees Local Plan and within an area at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development.
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD
- 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 11 – Making effective use of land.
- Chapter 12 – Achieving well-designed places.
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.

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 and Conservation Area/ Listed Building

- 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 state 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 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 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development in terms of side/rear & dormer extensions, the SPD states:

In Section 5.17 the SPD refers to the general rules, where single storey side extension 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.

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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.

When assessing the impact of overshadowing on neighbouring properties, with regards to rear extension built close to the shared boundary with its neighbour, section 4.17 of the SPD states the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the

neighbouring property. In appropriate circumstances, where local context supports this, larger guidelines may be considered on a case-by-case basis.

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers, albeit it refers mainly to front dormers. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report. On the basis the proposal is considered to be acceptable in terms of visual amenity, residential amenity and all other relevant matters it is considered the development could be concluded acceptable in principle.

2 – Impact on visual amenity

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all 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.

In this case policy LP24 'design' states that extensions should be subservient to the original building, should be in-keeping with the existing building and should respect and enhance the character of the townscape, heritage assets and the landscape.

Supporting this is the council's adopted Supplementary Planning Guidance 'House Extensions and Alterations' which states 'High-quality house extensions and alterations can enhance the appearance of an area and help improve well-being and quality of life.

Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 130 refers to Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

479 New Hey Road, Salendine Nook, is a semi-detached property built in the 1950's part of a matching pair, similar to 3 of its neighbours in that they are all bungalows having a small outrigger at the rear.

Overtime the long rear gardens have been sold off and developed with separate detached dwellings, with No 479 being one. Within the row of bungalows some have had single storey rear extension with others rear dormers or both.

The proposal consists of the demolition of existing conservatory and already extended outrigger with the replacement kitchen, a new utility and ground floor disabled bedroom with en-suite. At first-floor a new dormer would allow for a larger bedroom and the relocation of the existing bathroom to one of the existing bedrooms in the attic.

The proposed side extension would screen the existing flat roofed garage and would improve the appearance of the property from the street. There would be limited views of the rear extension and dormer from the street, both from New Hey Road and Longwood Edge. Therefore, provided the rear dormers are clad in dark hung tiles or similar to its neighbours, it is considered the extensions will have little impact on the street scene.

The SPD refers to dormers in section 5.4 in that roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.

Section 5.25 goes on to state the design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Where in this case the dormer is fairly large having an overall width of 7.85m, however, the dormer will be set in from the gable and shared party wall by 0.5m, in addition to be set down from the ridge by 0.25m. Furthermore there are a couple of properties along New Hey Road which have had similar sized dormers. Therefore, provided the dormer sides are dark hung tiles (condition 4) the dormer would have an acceptable design.

The proposed rear extension would sit along the boundary with its neighbour. Where section 5.6 of the SPD specifically refers to single storey rear extension which 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 terraced houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 metres; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Where in this case the rear extension would fail points 3, 4 & 5, however, in this case consideration is firstly given to the fact that the extension in part is for specific needs and secondly the neighbour has also applied for a similar sized extension in the form of a rear extension and dormer. It should also be noted that the current boundary treatment is in the form of a leylandii hedge of approx. 4m high, which will be removed for the first 1.54m as part of this application, which in itself overshadows and dominates the rear garden. Therefore, on balance the proposal would be acceptable with regards to the SPD.

With regards to the SPD in relation to side extensions which 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.

In this case the extension wouldn't be more than two thirds of the width of the original house, it would be set back from the front elevation by 7m with an overall height of 3.65m and albeit designed with the eaves high having the appearance of a small lean-to roof is acceptable, therefore, on balance would be acceptable in regards to the SPD.

The extensions are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

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.

No. 479 has two side neighbours; the attached neighbour no. 477 and the detached no.481, with No 67 Longwood Edge Road to the rear. The neighbours to the front are over 30m away and given the extensions are mainly to the rear, these properties will not be affected by the proposal.

Impact on No.477

No 477 is the attached neighbour located to the east of the host property, where the rear elevations of this pair of bungalows face approx. SSW. Along

the shared boundary the proposed extension would project 4.6m and albeit doesn't comply with the SPD in relation to rear extension and principle 5 with regards the 45* rule, in this case the neighbour No.477 has also submitted a similar application which is under consideration projecting 4m. In addition there is substantial hedging that would be removed to accommodate the extension which presently has a far greater overshadowing and overbearing impact on this neighbouring property. Therefore, the rear extension will have an unduly harmful impact on this property with regards being overbearing, overshadowing or overlooking.

Impact on No.481

No 481, is the detached neighbour and set at a slightly higher level than the application site by approx. 0.5m, therefore, given the existing garage will remain and the rear extension being single storey. The rear dormer would be set in from the gable with a separation distance of 4.5m to the neighbour's gable with no windows in the side elevation. Therefore, the rear extensions will have little impact on this property with regards being overbearing, overshadowing or overlooking.

Impact on No.67 Longwood Edge

This property currently has a separation distance of 24m at ground floor where there would be little change. The first-floor separation distance would be 35m from the new dormer to the neighbour's rear elevation which is considered acceptable. Therefore, the rear extensions will have little impact on this property with regards being overbearing, overshadowing or overlooking.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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.

In this case the property is currently a 4 bedroom property which as a result of the proposal would remain either 3 or 4 bedrooms which is unchanged therefore, no additional parking is required, furthermore there are no parking restriction along New Hey Road in front of the property, as such would meet

the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Coal legacy – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

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: 2022/93750

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, LP6, LP21, LP22, LP24 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the rear/side extension hereby approved shall in all respects match those used in the construction of the existing building and 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 Council's adopted Supplementary Planning Document on House Extensions, and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted details, the rear dormer shall be clad in a suitable dark grey cladding or tile hung to match the existing roof and should be retained as such for the lifetime of the development.

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 Council's adopted Supplementary Planning Document on House Extensions, and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form			17.11.22
Location Plan 1:1250	TR-A22-1002-001		17.11.22
Existing layout	TR-A22-1002-002		17.11.22
Existing elevations	TR-A22-1002-003		17.11.22
Proposed layout	TR-A22-1002-004	F	24.5.23
Proposed elevations	TR-A22-1002-005	F	24.5.23
Proposed section	TR-A22-1002-006	F	24.5.23
Proposed 3D view	TR-A22-1002-007	F	24.5.23
Design & Access Statement			5.5.23

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. The Case Officer requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual & residential amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Report Dated: 25.5.23

Coal – low