

**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:	2022/62/93930/W
Site Address:	1, Huntsman's Close, Beaumont Park, Huddersfield, HD4 7BR
Description:	Erection of single storey rear and front extensions and mono pitched roof above garage, formation of balcony to rear, application of off-white render insulation cladding to all elevations and external alterations
Recommending Officer:	Luke Walstow

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: 02-Mar-2023

OFFICER REPORT

Application Reference: 2022/93930

Site: 1, Huntsman's Close, Beaumont Park, Huddersfield, HD4 7BR

Site Description

1 Huntsman's Close, is a detached dwelling located within the residential area of Beaumont Park, Huddersfield. The dwelling is constructed from red brick for the bottom half of the dwelling, with the top half being finished in a white render. The roof is mono pitched with a rubber finish. Houses on the same row are of similar contemporary design.

Description of Development

The applicant is seeking planning permission for the erection of single storey rear and front extensions and mono pitched roof above the garage, formation of balcony to rear, application of off-white render insulation cladding to all elevations and external alterations.

Rear Extension

Height: 3.73 metres

Width: 5 metres

Depth: 3.76 metres

Front Extension

Height: 2.14 metres

Width: 3.15 metres

Depth: 0.6 metres

The proposed front and rear extension will be constructed from render. The front extension is proposed to be a kitchen and dining room, the rear extension will extend the current living room space. The balcony shall lead out onto the

rear extension and project onto the rear garden. A 1.8m opaque screen is proposed for each side of the balcony. A pitched roof is proposed for the existing garage with the inclusion of a rooflight.

History of negotiations/amendments sought

Discussion with the agent took place in order to secure alternatives to the first submission in regards to the balcony and the proposed full rendered finish. Revised plans were submitted on 01/02/2023 which officers deemed acceptable to be analysed.

Planning History

2022/91795. Certificate of lawfulness for rear ground floor extension with balcony over, internal alteration, replace of roof tiles, installation of cladding insulation. installation of new pitched roof above garage at ground floor level.

Cert of Lawfulness Refused – 04/08/2022

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 18th January 2023 – 1 representation received.

Letters of Objection

One letter of objection has been received, in summary the concerns raised relate to the impact of the rear balcony in terms of overlooking and breaches of privacy.

Planning Policy Background

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 within the Green Belt and a Strategic Green Infrastructure Network as allocated within the Kirklees Local Plan, the site is also within an area with a known presence of bats.

Kirklees Local Plan

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 21 – Highway Safety
- LP 22 – Parking Provision

- LP 24 – Design
- LP 30 – Biodiversity and Geodiversity
- LP 51 – Protection and Improvement of Local Air Quality
- LP 57 – The Extensions, Alteration or Replacement of Existing Buildings

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 12 – Achieving Well-Designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of development:

1.1 – Sustainable Development

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land Allocation (Green Belt)

The site is within the Green Belt. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.

Policy LP57(a) of the Kirklees Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57(b) also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57(d) states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Whether the proposal is inappropriate development in the Green Belt

As a starting point it is important to understand what constitutes the 'original building'. The glossary within the NPPF defines 'original building' as: "A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally". From looking at the previous planning history, aerial images and photographs of the site, a front extension appears to have been previously added to the front of the dwelling.

The total area of the existing dwelling is 62.24m². The proposed total floor space of all the proposed extensions would be 24.4m². This would create a total increase of 39.1%. Whilst the cubic volume of the dwelling would increase, none of the proposals are to increase beyond the existing height of the dwelling. The development would be to an existing dwelling and within a housing estate washed over with a green belt allocation. Given the size / scale of the proposal and the character of the locality it is considered the proposal would not constitute a disproportionate addition and would not have a harmful impact upon openness.

It is therefore considered that the proposal is acceptable in terms of Policy LP57 of the Kirklees Local Plan and national Green Belt Policy in Chapter 13 of the NPPF.

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

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

Policy LP24 states that proposals should promote good design by ensuring:

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

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.

Rear Extension

Section 5.1 of the councils adopted householder extensions and alterations SPD, states what should be considered with a rear extension, saying the following:

5.1 *Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended.*

This should include consideration of the following:

- *Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *Being set behind the original building, and not projecting beyond the sides; and*
- *Maintaining external access to the rear garden.*

5.2 *As a general rule, a rear extension should:*

- *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.*

5.3 *Rear extensions commonly encounter problems by causing overshadowing and loss of outlook to neighbouring properties.*

5.4 *To avoid the problems caused by loss of light, as well as loss of privacy and outlook, the sizes and projections of rear extensions need to be strictly controlled*

Sections 5.5 and 5.6 of the extensions and alterations SPD go into further detail regarding single storey rear extensions, stating the following:

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

5.6 *Single storey extensions should:*

- *be in keeping with the scale and style of the original house;*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height;*
- *not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The rear extension would project 3.76m out from the rear wall. Given the height is under the recommended height of 4m and the materials proposed match the existing elevation, the rear extension would not look out of place when viewed against the dwelling as a whole. The extension would fit flush to the existing living room, which currently projects out from the host dwelling by 2.45m. An external door is proposed to lead out onto the rear garden, with a large window projecting out in the same direction. Given the size, scale and design of this element of the proposal it is considered the proposed rear extension acceptable.

Front Extension

Section 5.2 of the councils adopted householder extensions and alterations SPD, states what should be considered with front extensions, saying the following:

5.13 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.

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally 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.*

The front elevation change is small in size, with a projection of 0.65m. The width and height will be in line with the current width of the front elevation. The proposed materials will be red brick, which will match the existing dwelling external walls. Given the proposal being small in scale and similar in design to the original dwelling, officers can accept this section of the proposal.

Balcony

Section 5.28 of the extension and alterations SPD relates specifically to balconies, and states the following:

5.28 Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

The balcony proposed will be located above the proposed rear extension, with access gained through one of the dwellings. The balcony will have views of the rear garden. Proposed 1.8m opaque screens are proposed to be installed on either side of the balcony to limit potential overlooking of neighbours' homes and gardens. In terms of design, the balcony is deemed acceptable by officers.

External Alterations

A pitched roof is proposed for the existing garage with the inclusion of a rooflight. The pitched roof would be constructed from red brick to match the existing dwelling. The pitched roof would add a more complete and smoother element to the dwelling and would be favoured by officers. White render is proposed for the whole of the dwelling. This has been discussed with the agent, with the first submission wanting to have the dwelling fully rendered in white. Officers deem the white render to the top half of the dwelling acceptable, with this element matching similar houses within the street scene, including the neighbouring property.

In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, and policies contained within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of Policy 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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

3 Huntsman's Close is the neighbouring property located to the South of the site. Concerns were raised by officers in relation to the balcony and overlooking of this property and private amenity space. Within amended plans submitted, the balcony has incorporated 1.8m high privacy screens on each side of the balcony made from opaque glass. This would limit the viewpoint from the balcony to an acceptable level in this case.

To comply with principle 5 of the House Extensions SPD, a 45 degree rule is used to assess the impact of an extension on natural light for neighbouring properties. A line is drawn from the midpoint in the nearest habitable room window of the adjacent property (no. 3), at an angle of 45°, across the proposed rear 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. The proposed extension passes this test, leading to the conclusion the rear extension will not cause an unacceptable loss of light for this neighbouring property.

58 Butternab Road and 16 Butternab Close are located to the East of the application site. These neighbouring properties have the potential to be overlooked by the proposed rear balcony. However, there is considered to be adequate distance between the balcony and these properties in this case. Neither no.58 or no.16 have a direct face on arrangement, with no.16 being off set in relation to no.1 and no.58 being at a 90 degree angle. Coupled with the inclusion of 1.8m high privacy screening and the fact there would be a 0.8 build up with the lean to roof at the front of the balcony, it is considered that the impact to these properties would not be so significant to warrant refusal of this application on grounds of overlooking.

What is currently a bedroom would become a kitchen / dining room with an addition to this room consisting of a front extension with a small projection less than 1m. The nearest dwelling opposite this is no.4 Huntsman Close, being 17m away. The host property and no.4 are off set and do not directly face one another, whilst the bedroom will become a habitable room and the recommended distance between main habitable rooms is 21m, in this case the fact the site is off set from the nearest neighbouring property opposite this element of the proposal is concluded to be acceptable with regard to overlooking.

The size and scale of the front extension is not considered to be such that it would lead to unacceptable levels of overshadowing or be unduly overbearing / oppressive to neighbouring properties.

The proposed works would see a rear extension with a projection under 4m, and also the addition of a lean to roof, as well as the insertion of a number of openings, including a high level openings to the rear elevation. These extensions & alterations are not considered to lead to a significant level of overlooking over and above that which exists already. Furthermore, taking account of the fact the host property is a detached dwelling and the scale of these extensions & alterations this element of the proposal is not considered to lead to unacceptable levels of overshadowing or be unduly oppressive / overbearing.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. There would be large amounts of the rear garden remaining resulting in the proposed complying with principle 7.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Given the nature of the proposals being a front and rear extension that do not affect current parking arrangements, and that there are no changes proposed to the existing access, it is considered that the proposal would have a neutral impact upon highways safety.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Considering the modest nature of the proposal, it is considered that the development would not have an impact on climate change that needs mitigation to address the climate change emergency. It is noted that the requirement for building regulations approval for the development would likely improve the thermal efficiency of the dwelling having a positive impact in relation to climate change.

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.

Whilst the site is within an area with a known presence of bats, there is considered to be a low likelihood of them being encountered as a result of this proposal. Even so, it is recommended an informative is included upon any grant of permission which outlines the requirement for the applicant to cease works and contact Natural England, by law, should they be encountered.

6 – Representations:

The concerns raised in objection to this application are addressed within section 3 of this report.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2022/93930

Officer Recommendation: Approval

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 15 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapters 2, 4, 12, 13, 14 and 16 of the National Planning Policy Framework.

3. The external materials of construction shall be rendered with an off white colour finish and slate roof tiles in accordance with the details shown on submitted drawing P032 and retained thereafter

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

4. The development shall not be brought into use until the privacy screens detailed upon drawing P102RevP2 have been installed. The privacy screens shall be thereafter retained.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: Due to its location, a bat roost 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 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans/Elevations AE	P101revP1	P1	06 December 2022
All Plans/Elevations AP	P102revP3	P3	1 st February 2023
Application form			06 December 2022
Location Plan	P100		06 December 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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought for amendment to the balcony.

Report Dated: 01/03/2023