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:	**2022/62/93934/W**
Site Address:	131, Crosland Road, Oakes, Huddersfield, HD3 3PW
Description:	Erection of single storey side and rear 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.

Stuart Howden

AUTHORISED OFFICER

Date: 14-Feb-2023

Officer Report.

Reference: 2022/93934

Location: 131, Crosland Road, Oakes, Huddersfield, HD3 3PW

Proposal: Erection of single storey side and rear extension

Site Description.

131 Crosland Road is a two-storey semi-detached property located in Oakes, Huddersfield. The property is faced in render (but with stone detailing a ground floor level to the front) with a hipped roof infilled with tiles. The site benefits from outdoor amenity space to the rear, and there is a small front garden also present with the dwelling being set back from the highway. On-site parking amenity space is present to the side and front of the property, with a detached garage to the rear of the driveway.

Within the wider streetscene, there is a strong sense of similarity established. All of the properties which neighbour No. 131 to the east and west share the same construction style and design, semi-detached, two-storey and faced in matching materials. There is also a strong building line

Description of Proposal.

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

The side and rear extension would be of a wrap-around design, projecting from the side of the host dwelling by ~1.8 metre and from the rear elevation of the host dwelling by 3 metres. The extension would have a lean-to roof. The maximum height of both the side and rear extensions would be ~3.9 metres, with an eaves height of ~2.6 metres

The walls of the extensions would be faced in matching render to the host dwelling and the roof infilled with matching tiles to those which infill the host hipped roof.

One small window would be installed to the front and rear elevations of the side extension, with two high set windows and an access door to the side elevation. One window and a set of glazed access doors would be installed to the rear elevation of the rear extension. All of these forms of fenestration would be framed in UPVC to match existing windows and doors to the host property. Two velux windows would be installed within the lean-to roof of the rear extension.

Within the interior of the dwelling, the side extension would function as a W.C, lobby and utility. The rear extension would form an extension to the kitchen/dining area.

It is noted that the existing detached garage would be demolished as part of the development scheme. Decking is displayed to the rear of the dwelling, but does not form part of the description of development so is not being assessed under this application (however, if this is no greater than 0.3 metre in height it could be permitted development).

History of Negotiations.

The first set of plans submitted showed a 2.2-metre-high fence along the shared boundary with the adjoining neighbouring property, increasing the height of the existing fencing. However, upon negotiation with the applicant, they confirmed that this was an error and submitted revised plans showing the fence to be the same as existing.

In turn, the determination of this application is on the basis of the amended plans submitted on 9th February 2023. Given the reduction in the height of the fence, it was not considered necessary to re-consult neighbours on receipt of this amended plan.

Relevant Planning History.

No relevant planning history at the application 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 on 20th January 2023 – no representations were received.

Consultation Responses.

KC Highways Development Management – (informal)

Although there would be a loss of one parking space, the remaining driveway would be of a sufficient length to allow parking for two vehicles.

In addition, although the existing garage would be demolished, it does not comply with modern car parking standards with regard to its size, as a result, this would not result in the loss of an existing parking space.

On balance, KC Highways Development Management consider the scheme acceptable.

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 site falls within an area identified by the Coal Authority as being at low 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
- 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

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 onto 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 could be stated that the principle of development in this application is acceptable, but this is 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.

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, 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 Streetscene – states 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.

- Key Design Principle 2: Impact on the Original House – states that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Section 5.1 of the House Extensions and Alterations SPD relates specifically to rear extensions and states the following.

"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...*

…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.

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."*

Section 5.3 of the aforementioned SPD provides guidance on side extensions, with Paragraph 5.17 setting out the following design criteria for single storey side extensions:

- *'not extend more than two thirds of the width of the original house*
- *not exceed a height of 4 metres*
- *be set back at least 500mm from the original building line to allow for a visual break.'*

The proposed side and rear extensions to 131 Crosland Road would be considered subservient additions to the host dwelling, predominantly a result of their size/scale, single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a lean-to roofing style further supports overall visual subservience, by form, naturally working to reduce the potential of undue bulking or massing from the overall appearance of the extensions.

The forms of fenestration are also considered acceptable visually, in keeping with the architectural design of the host property. The proposed velux windows to the rear elevation are considered to be acceptable contemporary additions.

In turn, it is concluded that the extensions would not be obtrusive additions to the host dwelling and would sympathetically complement the existing architectural style of the dwellinghouse.

Within the wider streetscene, it has been noted that several other properties have undertaken similar works to those proposed at No. 131 Crosland Road. Therefore, the erection of the proposed extensions is also considered to be acceptable in terms of the character of the wider locality.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations 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.

Although the proposal would see a slight reduction in the extent of outdoor amenity space at 131 Crosland Road, in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, a sufficient extent of garden space would be retained.

Impact on No. 133 Crosland Road:

The side extension element would be located on the opposite side of the host property to the adjacent dwelling to the west. As such, there would be limited impact on the amenities of the occupiers of the neighbouring dwelling as a consequence of the side facing element.

The rear extension would have a single storey height and would roughly align with the length of the solid side elevation of the single storey rear extension erected to No. 133. Given this relationship, it is considered that there would be no significant impacts of overbearing or overshadowing to the adjacent neighbour on the western side.

In addition, no glazing is proposed in the side elevation facing this neighbouring property, resulting in no detrimental impacts to residential privacy as a result of overlooking.

Impact on No. 129 Crosland Road:

The side extension element would be single storey in height and maintain a distance of approximately 4 metres from the dwellinghouse of No. 129 which

has no ground floor windows serving habitable rooms in the side elevation. In turn, it is not considered that the side extension element would result in any significant impacts of overbearing or overshadowing for the occupiers of this neighbouring property.

The rear extension element would also have a single storey and a set back from the boundary. Further to this, whilst the rear extension would go beyond the rear wall of the neighbouring property, the set off, height and fact it would partially replacement a garage means that Officers conclude that this extension would not result in any undue impacts to amenity with regard to overbearing or overshadowing.

The extensions pose only an access door and high-set windows (approximately 2.3 metres above ground level) to the eastern side elevation. Therefore, it is concluded that appropriate levels of residential privacy would be retained in relation to overlooking.

Impact on No.'s 114 & 112 Goldington Avenue:

The extensions would be single storey in height and set approximately 8.5 metres from the rear boundary of curtilage. In turn, this separation distance combined with the limited height of the extension, work to conclude that no undue impacts of overbearing, overshadowing or overlooking would be caused for the occupiers of either No. 114 or 112 Goldington Avenue.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24(b) of the Kirklees Local Plan in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

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 loss of the existing detached garage is not considered to reduce a parking space on site, given that its size/scale is less than the modern space standards for parking a vehicle.

The proposed side extension would result in the loss of one on-site parking space to the driveway, however, the driveway would remain of a length (in excess of 10 metres) which would accommodate two vehicles, which is deemed acceptable for a 3 bedroom dwelling with reference to guidance in

the Kirklees Highways Design Guide SPD. It should be noted that Kirklees HDM have raised no objections to the proposal.

The extensions would not alter existing vehicle access to and from the site in conjunction with the fronting highway of Crosland Road.

In turn, erecting the proposed extensions at No. 131 Crosland 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 Extensions and Alterations 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.

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: 2022/93934
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 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 9, 12 and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Note: The application site is located in a low-risk coal area.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Plans, Elevations and Views as Existing and Proposed	2231 – 01	2	9.2.23
Application Form	-	-	12.12.22

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 initial plans submitted displayed a 2.2-metre-high fence along the shared boundary with the adjoining neighbouring property, increasing the height of the existing fencing. However, upon negotiation with the applicant, they confirmed that this was an error and submitted revised plans showing the fence to be the same as existing.

Report Dated: 13.2.23