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:	**2022/62/93982/W**
Site Address:	49, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA
Description:	Erection of extensions and alterations
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.

John Holmes

AUTHORISED OFFICER

Date: 06-Mar-2023

Officer Report.

Reference: 2022/93982

Location: 49, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA

Proposal: Erection of extensions and alterations

Site Description.

49 Springwood Hall Gardens is a two-storey detached property faced in red brick with a cat-slide side elevation roof form, which is infilled with concrete tiles. There is a garden and area of hardstanding to the front elevation of the property and to the rear, is lawned private amenity space, bounded to each elevation by dense hedging and vegetation.

The surrounding area is comprised of mainly detached properties of varying styles and designs.

Description of Proposal.

Planning permission is sought for the erection of extension and alterations.

First Floor/Two-Storey Side Extension:

It is proposed to build up the side elevation of the property where the cat-slide side elevation of the roof is currently present. The first-floor side gabled extension would be of the same width as the existing ground floor below (3 metres) and would have a ridge height set 0.3 metres below the ridge of the host roof.

To the rear of the first-floor extension, a small two-storey extension is to be erected. This would project 2 metres beyond the rear of the first-floor extension and would be of the same width (3 metres). The same gable roofing form would be erected over both the first floor and two-storey extension.

The extensions would be constructed using brick and the roof infilled with concrete tiles.

The extensions would have the following fenestration detailing: regular windows to the 1st floor front elevation, 1st floor side elevation and 1st floor rear elevation and two small windows to the rear elevation at ground floor level. All windows would be framed in UPVC to match existing fenestration detailing to the host dwelling.

Three Storey Rear Extension:

This would project 3 metres beyond the rear elevation of the host dwelling and would have a width of 7.2 metres. The extension would have a maximum height of 7.8 metres, aligning with the roof pitch of the host dwelling.

The extension would be constructed using brick and the roof infilled with concrete tiles.

All glazing to the rear extension would be on the rear elevation, including glazed bi-fold doors to the basement, a set of glazed doors and a regular window to the ground floor and one regular window and two small windows to the 1st floor. All of the windows and doors would be framed in UPVC.

Alterations to Front Porch:

The dimensions of the front porch would remain unchanged, with a gable roofing form to be erected above, infilled with concrete tiles. In addition, a more contemporary style access door is proposed to be installed.

History of Negotiations/Amendments Received.

Without negotiation from the case officer, the applicant independently submitted amended plans. The amended plans altered the originally proposed scheme, removing the proposed dormers and swapping a two-storey side extension to the southern side elevation for a three-storey rear extension.

Given the extent of alteration from the original plans to the second scheme, the case officer considered it necessary to re-advertise the scheme via new neighbour notification letters.

Following the submission of a revised scheme, the case officer entered into negotiation with the applicant to recommend that the 1st floor side extension be set back from the principal elevation of the host dwelling and that the rear three-storey extension be set down from the roof pitch of the host dwelling.

The applicant did not submit any amended plans; however, the following justifications were submitted regarding the design of the proposed scheme:

- With regard to the front wall of the side extension, the majority of this is existing, it will be a case of adding a small triangle of walling to form a level eaves. We have deliberately set the ridge down on this section of the house to remain subservient when viewed from the front.

- With regard to the rear elevation, the prevailing weather hits the back elevation and therefore, concerns would be raised with regard to a drop of 500mm, leaving a very vulnerable wall section which would be very difficult to maintain in the future.

In this instance, the case officer considered the applicant's justifications to be valid and in turn, deemed the proposal to be acceptable (discussed in greater length in the 'Assessment' section of this report). Therefore, the overall determination of this application is based on the latest plans as submitted on 27th January, as well as the justifications as provided by the applicant.

Relevant Planning History.

No relevant planning history at the application site.

To neighbouring properties:

- 2019/91590 – 40 Springwood Hall Gardens. Erection of single storey front extension, two storey side extension and alterations to external finishes.

Publicity/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 two separate neighbour notification letters.

Final publicity date = 20th February 2023.

One representation was received, which made the following comments:

- Agree in principle to the majority of the plans, however main area of concern is the side extension towards number 47 Springwood Hall Gardens. The distance to the established boundary at minimum measurement is 2300mm from number 49 and therefore with the extension extending 1800mm towards number 47 Springwood Hall Gardens that only leaves a clearance of 500mm to the boundary. This raised a number of concerns as follows:

- 500mm does not provide sufficient access space for maintenance access and services to be provided to a 3 storey extension.

- The services such as sewage pipes will further extend towards number 47, limiting access space even further to an estimated 350mm in such areas.

- Excavations to the south towards the eastern side will be too close to the boundary line and may destabilise the existing ground of No. 47.

- National guidelines recommend at least 1000mm boundary distance.

Consultation Responses.

KC Highways Development Management – No comments received.

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within an area with a known presence of bats and 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
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters are considered in the assessment below: -

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

1) **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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

LP24 states that proposals should promote good design by ensuring:
- *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'*
- *'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'*

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

In addition, the written justifications detailed within the 'Negotiations' section of this report will be taken into account in the consideration of this application.

The proposed development would be in the form of a first floor/ two-storey side extension, three-storey rear extension and alterations to the front porch.

The design is such that the side extensions and rear extensions would have an eaves height which would harmonise with the existing form of the host gable roof. The side extensions would be set down from the pitch of the host roof by 0.3 metres, promoting subservient design, and whilst the rear extension would not be set down, this is considered acceptable in the instance of this application, as it is to the rear of the property with dense woodland to the rear boundary.

Due to the property being set in from the boundary with No. 51 Springwood Hall Gardens, in addition to this neighbouring property been to a slightly higher ground level than the application site, it is not considered that a terracing effect would occur as a result of the proposed extensions to the northern side elevation of the host dwelling.

The properties within the street scene vary in design and it not considered that the resultant design of this property would be out of character and would be similar to No. 57 and No. 40 when viewed from the roadside.

With regards to the proposed alterations to the front porch, these would be relatively minor, adding a gable roof, and would be clearly subservient.

It is proposed that the extensions would be constructed from brick, with all roofing forms infilled with concrete tiles. The forms of fenestration are also considered acceptable visually, in keeping with the architectural design of the host property, whilst enhancing the contemporary design through the installation of glazed bi-fold doors and a Juliet balcony to the rear elevation. All of the windows and doors would be framed in UPVC, in keeping with the existing windows and doors to the host property.

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

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, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) 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.

The proposal would see a very reduction in the extent of rear garden amenity space at 49 Springwood Hall Gardens, but it is considered that an adequate

amount would be retained in accordance with Key Design Principle 7 of the aforementioned SPD.

The proposed alterations to the front porch would be minor and would alter the roofing style only. Given the nature of the proposed alterations, and the seperation of the front porch from both side boundaries, it is considered that there would be no undue harm to either No. 47 or No. 51 Springwood Hall Gardens as a result. In addition, the opening to the front porch is to remain the same, with the existing access door to be replaced by a more contemporary style door. Therefore, it is not considered that this alteration to fenestration would impact upon residential privacy for the adjacent dwelling of No. 32 Springwood Hall Gardens.

The three-storey rear extension would be separated from the shared boundary with No. 47 by approximately 2.6 metres and from the shared boundary with No. 51 by approximately 51 metres, with an even greater seperation distance from the sitting of the neighbouring properties themselves. In turn, this seperation distance works to confirm that the proposed rear extension would not result in significant levels of undue overbearing or overshadowing for the occupiers of these neighbouring. Further confirming this conclusion is the fact that the rear extension would appropriately conform with the 45-degree rule, as set out under Key Design Principle 5 of the House Extensions and Alterations SPD. Furthermore, the rear extension proposes no glazing to be installed to the side elevations, resulting in no undue overlooking to either No. 47 or No. 51.

The proposed first-floor and two-storey side extensions would be set to the northern side of the host property and would remain separated from the shared boundary with No. 51 by approximately 1.9 metres and from the neighbouring property by an even greater distance of approximately 4 metres. Given this seperation distance, and the solid brick southern side elevation at No. 51, it can be concluded that no significant impacts of undue overbearing or overshadowing would be caused as a result of the proposed extensions to the side of No. 49 Springwood Hall Gardens. In addition, although one window is proposed to the side elevation at 1st floor level, this will replace an existing window in this position, therefore the extensions will retain the same relationship with No. 51 as existing with regards to overlooking and neighbouring privacy.

For these reasons, the proposed development is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) 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 number of bedrooms within the interior of No. 49 Springwood Hall Gardens would remain the same (4 bedrooms) and the existing parking arrangements on site would remain unchanged. In addition, the proposed developments would not alter existing routes of vehicle access to or from the property in conjunction with the fronting highway. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed extensions to No. 49 Springwood Hall Gardens would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats

and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

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

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

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

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

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.

5) Representations

One representation was received, set out in full in the 'Publicity/Representations' section of this report. However, the representation was received in conjunction with the first version of plans, with the part of the proposal the objection related too removed in the second set of plans, on which this determination is based. Therefore, the representation is not considered relevant upon the assessment of the determined plans as submitted 27th January 2023.

6) 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: 2022/93982
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, LP30 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the 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 & 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.

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

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**
Location Plan	-	-	12.12.22
Existing Plans and Elevations	01	-	12.12.22
Proposed Plans and Elevations	02	2	27.1.22

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 applicant submitted an amended scheme without negotiation from the case officer and provided a set of written justifications in accordance with the House Extensions and Alterations SPD.

Report Dated: 6.3.22