

**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:	2023/62/90082/W
Site Address:	1, Yew Tree Gardens, Birchencliffe, Huddersfield, HD3 3ZS
Description:	Erection of first floor side extension
Recommending Officer:	Teresa Harlow

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: 08-Mar-2023

OFFICER REPORT

Application Reference Number: 2023/90082

Site Address: 1, Yew Tree Gardens, Birchenccliffe, Huddersfield, HD3 3ZS

SITE

The application site is a modern, detached, two-storey dwellinghouse built from stone under a grey tile roof in a small residential cul-de-sac accessed from Yew Tree Road. The site sits behind a pair of semi-detached residential dwellings. On the west side elevation, there is an attached single-storey double garage, which is the focus of the proposed development, with parking for two cars and additional hardstanding to the front, with access on both sides to a large rear garden. The application dwelling is set towards the front of the plot and away from the rear neighbours on Birchington Close. The land to the west is higher and screened by a tall hedge and outbuildings.

The site is situated within a bat alert area and a low-risk area coal mining area.

PROPOSAL

Permission is sought for the erection of a first-floor side extension above the existing attached garage to create a new bedroom with an existing small bedroom converted into a walk-through closet. An existing window in the side elevation will be repurposed into an interior door for access between the host dwelling and the extension. The existing garage is set back from the front line of the property by ~4.0 m and the extension will sit above within the existing footprint. The proposed extension will be built from matching brick with a gable-ended dual-pitched tile roof set 0.5 m below the host roof line.

Two new windows (~1.0 m high by ~0.6 m wide and ~1.0 m high by ~1.2 m wide) will be created in the front elevation, both will be opaque glazed with stone lintels and sills to match the design of the original dwelling. At the rear, a small Juliet balcony with an obscured glass balustrade (1.2 m high by 1.5 m wide) and a set of glazed double doors (2.0 m high by 1.5 m wide) under a long stone lintel, flanked either side by a small window (~1.0 m high by ~0.6 m wide) with stone sills are proposed. There are two rooflights (0.7 m by 0.7 m) on the rear side of the roof for additional light. The side elevation is blank.

PLANNING HISTORY

2013/91488 – Demolition of existing dwelling and erection of 6 dwellings – **Approved**. Permitted development rights for extensions were removed by condition 8.

PUBLICITY & REPRESENTATIONS

The application was publicised by means of neighbour notification letters in accordance with Table 1 of the Council's Development Management Charter.

The period of publicity expired on 23rd February 2023. Two representations, both in objection to the scheme, have been received. A summary of the issues raised is as follows:

- The proposed Juliet Balcony together with the two skylight windows will total six windows single storey properties to the rear and will look directly into our bedroom and conservatory and garden space overlook directly into our bedrooms and garden space, leading to a lack of privacy.
- The scheme would be improved if the bedroom window/Juliet balcony was moved to the side or front elevation.

Response: the roof lights are 3m above floor level and would not provide an opportunity for clear overlooking. Amended plans have been received to provide obscure glass to the balustrade for the Juliet balcony. This, together with the separation distance between the properties, would avoid an undue loss of privacy to existing and future occupiers.

CONSULTATIONS

None.

NEGOTIATIONS

The initial plans showed two small windows in the front elevation. This was considered to look unbalanced with the existing front elevation. The left window was redesigned to match the larger bedroom windows of the existing dwelling in the interests of visual amenity.

The agent was requested to provide opaque glazing to the balustrade for the Juliet balcony. This is to remove the perception of overlooking from the proposed bedroom window. This plan was received 7th March.

It was not considered necessary to re-consult neighbours following receipt of the amended information given that these alterations were considered improvements to the scheme and that the scheme would not have a greater impact upon neighbours than initially proposed.

POLICIES

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 Kirklees Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is unallocated in the Local Plan.

Kirklees Local Plan (LP):

- 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
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Supplementary Planning Documents (SPD):

- Kirklees Highways Design Guide SPD (2019)
- Kirklees House Extensions and Alterations SPD (2021)

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 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- 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) Highways safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Conclusion

1 – Principle of development:

The site is unallocated in the Local Plan.

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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.

Permitted development rights for extensions have been removed, nonetheless, the extension that is proposed would require planning permission even if these were still intact.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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 of the Kirklees Local Plan 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...”

Principle 1 of the Kirklees House Extensions and Alterations SPD 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. In addition, Principle 2 of this SPD 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 detail.

Section 5 of the SPD provides advice on specific extensions and alterations, with Section 5.3 *Side extensions* states that, *“Side extensions should maintain the quality of the environment for neighbours”* by:

- *Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and*
- *Positioning windows to minimise or avoid any potential overlook into neighbouring gardens.*

Paragraph 5.21 goes on to say that: *“Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street...”* and that two-storey and first floor side extensions should:

- *ideally be visually smaller in relation to the original house;*
- *be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- *have a roof design that follows the form of the existing roof; and*
- *retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.*

The proposed first-floor extension is set within the dimensions of the attached existing garage. The roof of the proposed development is a dual-pitched roof with a gable end the same as the existing garage roof. The roof is set down below the host roof line by 0.5 m. The existing garage is set back 4.0 m from the front line of the building and the proposed extension will sit flush with the front elevation of the garage at the same distance. It would be smaller in scale than the original dwelling and is not within 1m of any property boundary.

The amended plans altering the window and balustrade details have improved the overall appearance of the extension. It would appear as a subservient addition which would harmonise with the design and appearance of this dwelling which is set back from the highway. The materials of construction are proposed to match the host property. This is cast stone and grey concrete tiles.

It is therefore considered that the proposal would prevent detrimental harm to the visual amenities of the locality, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the NPPF and 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, 6 and 7 are considered along with Section 5 of the House Extensions and Alterations SPD also provides guidance on specific

types of extensions and alterations. Of note, as set out above, section 5.1 Rear extensions outlines general rules for design, size, impact including privacy and overshadowing, and remaining amenity space.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 notes 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 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and recommends that a horizontal 45-degree line from a neighbouring habitable room window is not breached.

Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Principle 7 of the House Extensions and Alterations SPD states 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. As a first floor extension the development will not affect the amenity space and is therefore compliant with KDP7.

The proposal sits ~7.0 m from the shared boundary with no. 64 Yew Tree Road, on the west. There would be no windows in the gable elevation, and new opening here would be prevented by condition on the 2013 permission and the requirements of the GPDO. Given the separation distance, scale of the development and its layout, it is concluded that this would not adversely impact on 64 Yew Tree Road or its rear amenity space in terms of overlooking, loss of outlook, loss of light or overshadowing

The properties to the north/front of the site, no's. 66 and 68 Yew Tree Road, are separated from the extension by around 17.5m. The extension contains two windows in the front elevation. One serves an en-suite, the other provides a secondary opening to the new bedroom. KDP3 of the SPD requires 21m between habitable room windows. This shortfall can be overcome by requiring obscure glazing to the windows in the northern elevation. This would also comply with Policy LP24b of the Local Plan, and is also specified on the submitted plans. The extension is due south of these properties but, given the separation distance, would not result in material overshadowing of the dwellings or create an overbearing impact.

At the rear (south), are 2no. bungalows at no's. 7 and 8 Birchington Close. These are approximately ~22 m from the rear elevation of the proposed extension. No. 7 has a conservatory which reduces the separation distance to approx. 20m. The rear elevation contains the principal opening to the new bedroom, including a Juliet balcony. Whilst the window will, in the most part,

meet the separation distances set out in KDP3, the perception of overlooking to a single storey dwelling from first floor windows may remain. To reduce the perception of overlooking, an amended plan has been received to include obscured glass to the balustrade. This would improve the privacy of the occupiers and reduce the perception of overlooking to the neighbours at the rear. The rooflights proposed to serve the bedroom are in excess of 3m above floor level and would not result in a loss of privacy. Given the orientation of the extension to no's. 7 and 8 there would be no overshadowing impact and the separation distance would avoid an overbearing impact being created.

There are no other properties that would be materially affected by the development.

Given the above, it is considered that the proposed development would not cause undue harm to residential amenity. It is therefore considered that the proposed development complies with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and Principles 3-7 of the House Extensions and Alterations SPD.

4 – Highways Safety:

Principle 15 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should maintain appropriate access and off-street ‘in curtilage’ parking.”*

The proposed development does not increase the number of bedrooms, nor would it result in a loss of parking spaces in the garage or driveway, which is considered to be ample given the amount of hardstanding to the front of the property.

Further to this, it is considered that bin storage and collection arrangements would remain as existing, therefore the proposal is in accordance with Principle 16 of the House Extensions and Alteration SPD.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principles 15 and 16 of the House Extensions and Alterations SPD.

5 – Other Matters

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 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.”*

The site is within a bat alert area. The eaves were examined and considered to be well-sealed, and no evidence of bat roosts was seen during the site visit. In these circumstances, it is considered that the proposal would unlikely cause harm to protected species. Given this and the small scale of the proposal, it is considered that it would not be reasonable or proportionate to seek to achieve biodiversity net gains in this instance.

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.

Due to the nature 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 Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken 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: Conditional Full Permission

Application Number: 2023/90082

Officer Recommendation: Conditional Full Permission.

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.

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 and LP51 of the Kirklees Local Plan, Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework, and Principles 1-17 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

3. The external materials for the walls and roof of the hereby approved extension shall in all respects match those used in the construction of the existing dwelling.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

4. The extension hereby approved shall not be first occupied until the windows in the front elevation and the balustrade to the Juliet balcony in the rear elevation of the extension, as specified on drawing nos. 2023 / 400 / 04 and 2023 / 400 / 03 have been glazed in obscure glass (minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glass shall thereafter be retained as specified.

Reason: So as not to detract from the amenities of adjoining property by reason of undue overlooking and to accord with Policy LP24b of the Kirklees Local Plan. Chapter 12 of the National Planning Policy Framework and Principles 3 and 4 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	Centre Coordinates 411610, 419006	-	17/01/2023
Existing elevations and floor plans	2023 / 400 / 01	-	18/01/2023
Proposed Front Elevation	2023 / 400 / 04	1	26/01/2023
Proposed Rear Elevation	2023 / 400 / 03	1	07/03/2023
Proposed Side Elevation	2023 / 400 / 05		16/01/2023
Proposed First Floor Plan	2023 / 400 / 02	1	26/01/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were submitted to improve the visual appearance of the front elevation and to secure an element of obscure glazing to the rear elevation.

Report Dated:

8.3.23