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:	**2023/62/90107/W**
Site Address:	47, Heatherfield Crescent, Marsh, Huddersfield, HD1 4QN
Description:	Erection of porch and single storey rear extension, widening of drop kerb to create off road parking provision and associated works
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: 09-Mar-2023

OFFICER REPORT

Application Reference: 2023/90107

Site: 47, Heatherfield Crescent, Marsh, Huddersfield, HD1 4QN

Site Description

The application site is a semi-detached dwelling located within the residential area of Marsh, Huddersfield. The street scene consists of dwellings of similar design, scale and appearance. The dwelling benefit from a front garden and a rear garden. Cars associated with the dwelling currently park on the road in front of the dwelling. The dwelling a timber dormer erected on the rear roofline, with a small single storey extension to the rear. The dwelling is on a higher elevation to the neighbouring properties to the South. The application site is not located within the Green Belt or an allocated conservation area.

Description of Development

The applicant is seeking planning permission for the erection of porch and single storey rear extension, widening of drop kerb to create off road parking provision and associated works.

Single Storey Rear Extension

Projection: 3m
Width: 4.7m
Height: 2.77m to the eaves, 4m in height

Front Porch

Projection: 1.5m in maximum projection
Width: 1.76m in maximum width
Height: 3.2m to the eaves, 4.1 in maximum height.

The proposed rear extension would be constructed from brick and render which will match the host dwelling. The single storey rear extension would have 3

panel windows with an outlook on the rear garden and two roof lights within the roof.

There are no windows proposed within the side elevation of the rear extension. The proposed rear extension would involve the removal of half the exisitng single storey element of the host property located at the rear. Theproposed front porch would be constructed from brick and finished with a render to match the host dwelling. A drop kerb is proposed at the front of the dwelling, to provide access for a car parking space, which would replace the front garden.

History of negotiations/amendments sought

Confirmation in relation to surfacing of the front amenity space was provided by the applicant's agent.

Planning History

There is no planning history for the site.

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 01st March 2023 – no representations received.

Consultation Responses

No statutory consultations were requested for this application.

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 unallocated within the adopted Kirklees Local Plan

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

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

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
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

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP 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 case, the principle of the rear extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

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.

<u>Single Storey Rear Extension</u>

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.1 provided guidance on rear extensions.

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.*
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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 House Extensions and Alterations SPD provides advice specifically for 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 proposed single storey rear extension would be constructed from brick and have a rendered finished to match the host dwelling. This would allow the extension to keep within the style of the original house. The proposal would not cover more than half the total area of the original house. The rear extension would not dominate the rear elevation and would respect the original house and garden. The amount of outdoor space would be largely maintained due to a rear garden being untouched by extension.

The proposed rear extension would not project out from the host dwelling more than 3 metres, thus complying with guidance for semi-detached dwellings provided within paragraph 5.6 of the house extensions and alterations SPD. A small gap of 0.15m between the proposed rear extension and the existing neighbouring rear extension is proposed. Whilst this conflicts with the guidance of 1 metre gap to be retained, there is currently no gap due to the rear existing rear extension and this is a shared boundary with the existing dwelling abutting the adjoining dwelling. As such this gap is concluded as acceptable in this case.

The maximum height of the rear extension is proposed to be 4 metres, which complies guidance within the SPD, which states single storey rear extensions should not exceed 4 metres in height. Officers consider the rear extension is acceptable in regard to visual amenity.

Porch

Section 5.1 of the House Extensions and Alterations SPD provides advice for front extensions, providing the following guidance:

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 porch would be constructed from brick and be finished with a render which would match the host dwelling. The front porch would have a maximum projection of 1.5 metres with a width of 1.76 metres. It is considered this front

extension would not be of a scale / design that would be harmful to the street scene and also respects the design and scale of the original house. With a maximum height of 4.1 metres, the proposed would not be a dominate the front elevation. Officers consider the front porch satisfies guidance provided within the house extensions and alterations SPD and within policy 24 of the Kirklees Local Plan (2019).

Widening of Dorp Kerb and Off-Street Parking

The existing drop kerb is proposed to be widened to allow access to a newly proposed parking in front of the house. This parking would replace an existing grassed front garden. Whilst this does replace amenity space, the large garden to the rear maintains amenity space for the dwelling. The street scene would not be significantly altered by these changes, with other dwellings on the road including then adjoining neighbouring dwelling having parking in front of houses.

Weight is afforded to the fact that permeable tarmac could be undertaken to the front amenity space in any even given that pd rights are in place for the property and such works are permitted by Class F of Part 1 of the permitted development legislation.

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.

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.”*
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The possible impact of the proposal for relevant neighbours will be assessed below:

Impact on 45 Heatherfield Crescent

Heatherfield Crescent is the neighbouring dwelling located to the North of the application site. This dwelling is the adjoining semi-detached property to 47 Heatherfield Crescent. The dwelling is similar in scale and design. The proposed rear extension would project 1.2 metres further out from the existing neighbouring side extension. This existing extension is not used as a habitable room. In addition to this, the rear extension would no prevent light reaching the nearest habitable opening on this neighbour rear elevation, which officers believe to be a kitchen area. With the amount of light not being reduced from the proposal, this satisfies principles 4 and 5 of the House Extensions and Alterations SPD. No windows or openings are proposed within the side elevations of the proposed rear extension, thus no increased risk of breaches in privacy for this neighbour, therefore complying with principle 3. In addition, the proposed extension would not be overbearing or reduce the outlook from windows of the neighbouring property, therefore complying with principle 6. The front porch and extension to the drop curb would have minimal effects on this neighbour. Officers can confirm residential amenity would be maintained for this neighbour should the application be approved.

Impact on 49 Heatherfield Crescent

49 Heatherfield Crescent is a semi-detached welling located to the South of the application site. This neighbouring dwelling located on a lower elevation than the application site. There is a low boundary wall running along the boundary on the patio, which extends to shrubs on the lower elevated garden. The rear extension does not have windows proposed on the side elevation, resulting in nob reaches of privacy. Furthermore, the extension will only project 3 metres out from the host building, which would not impact the amount of natural light received by the neighbouring property. Although the dwelling within the application site is located on a higher elevation, the single storey rear extension would be located 3 metres from the side wall of the neighbouring dwelling, therefore officers can confirm the rear extension would not be overbearing on this neighbour, and a good level of residential amenity would be maintained.

Impact on 26. 28. 30 and 32 Heatherfield Crescent

These neighbouring dwellings are semi-detached residential properties located to the East of the application site across the highway. These dwelling would have a viewpoint of the proposed front porch. The porch would not significantly alter the street scene or harm any residential amenity princi9ple for these neighbours.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. The proposal would not significantly reduce outdoor space associated with the dwelling and is therefore not considered to constitute overdevelopment of the site.

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.

The proposed widening of the drop kerb to create off road parking would provide space for 1 car to park in front of the dwelling. There is currently no off-road parking for this dwelling. The off-road parking proposed would decrease the number of cars parked on the highway. In addition to this, numerous dwellings within the street including the neighbouring dwelling have exisiting off street parking. Officers can deem the extension to the drop kerb and creation of off-road parking provision acceptable.

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

<u>Climate Change</u>

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.
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Considering the modest 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.

Biodiversity

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." Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

Bats

The application site lies within the bat alert layer on the Council's GIS system. In this instance, it has been noted that the works would not affect the eaves or roof area in which appear to be well sealed. As such, the development is unlikely to have any impact on roosting bats, in accordance with Policy LP30 of the KLP and Chapter 15 of the NPPF.

The proposal is therefore considered to accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

None Received.

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: 2023/90107

Officer Recommendation: Conditionally Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 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 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external materials of the extensions hereby approved shall in all respects match those used in the construction of the existing dwelling building and be retained thereafter.
   Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and policies within chapter 12 of the National Planning Policy Framework.

4. Unless otherwise agreed in writing, prior to the development being brought into use, the vehicle parking areas detailed upon submitted drawing (20)002 revA shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout. Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(EX)001	A	24/01/2023
Exisitng GA	(EX)001		12/03/2023
Proposed GA	(20)001		12/03/2023
Block Plan	(20)002	A	24/03/2023

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Confirmation of the surface material for the front off-street parking was provided.

Report Dated: 03/03/2023