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:	**2023/62/90179/W**
Site Address:	74, Botham Hall Road, Milnsbridge, Huddersfield, HD3 4RJ
Description:	Erection of single storey rear extension
Recommending Officer:	Laura Yeadon

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

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90179

Site Description

74 Botham Hall Road is a two storey semi-detached dwelling located within an area without notation on the Kirklees Local Plan. The property is finished with stone at the ground floor with pebble dash render at first floor with a blue slate roof. The properties along the western side of Botham Hall Road the properties are characterised by two storey bay windows within the front elevations and single storey outriggers on the rear elevations. The application site hosts both of these features.

The site is on a corner plot, with Botham Hall Road to the front/east and Greenway to the side/north. To the front pf the property is a hardstanding area which is paved and provides off-street parking for the property which continues to the side of the property leading to a detached double garage. To the rear of the property is a flagged rear yard.

Description of Proposal

The application is for the erection of a single storey extension. This extension would replace the existing outrigger at the property.

The approximate measurements of the proposal are as follows:

- 2.7m in projection
- 4.5m in width
- 2.3m in height to the eaves; 3.5m in overall height

The proposed extension would be built from materials to match the host property using render with a blue slate roof with uPVC windows and doors.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2001/91819 Erection of 2 storey extension
Conditional Full Permission

2004/90070 Erection of bedroom/car port extension
Conditional Full Permission

2009/90105 Erection of single and two storey extensions

Conditional Full Permission

2012/90053 Extension to time limit to previous permission 2009/90105 for erection of single and two storey extensions
Granted

2015/92094 Erection of single and two storey extensions
Conditional Full Permission

2016/91880 Erection of single and two storey extensions
Conditional Full Permission

2019/92870 Erection of two storey and single storey extensions
Conditional Full Permission

2022/92682 Erection of two storey and single storey extensions
Refused

2022/93827 Certificate of lawfulness for proposed single storey rear extension
Withdrawn

Representations

We are currently undertaking the legal 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.

Final publicity date expired 3rd March 2023

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

Consultation Responses

None required

Policy

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development

- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 travel
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the 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 of the KLP goes on to state 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development and visual amenity and are considered within the following report. These principles state the following:

- Principle 1 – 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."

- Principle 2 – 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."

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration under this application are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment

- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

Section 5.1 of the House Extensions and Alterations SPD provides specific advice in relation 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.*

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…*

…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."*

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

<u>2 – Impact on visual amenity:</u>

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The proposed extension would be located on the rear of the property and would replace the existing outrigger and is single storey in height and modest in projection, and is therefore considered subservient to the host two storey dwelling as required by Key Design Principle 2 of the SPD.

The design is a simplistic lean-to structure which would sit under the cill of the upper floor windows.

As demonstrated on the submitted proposed block plan, the works are not considered to result in an overdevelopment of the site with a usable garden space remaining. The development is therefore considered to comply with this principle.

The extension does not cover more than half the amenity space as required and does not exceed 3 metres in projection from the rear of the property nor exceed 4 metres in height. Whilst it is noted that a gap of at least 1 metre would not be achieved between the extension and the shared boundary with the attached neighbouring property, the harm in terms of the visual appearance of the structure would be minimal. It is therefore considered unreasonable to refuse the application based upon not meeting the criteria of this part of paragraph 5.6 of the SPD in this specific case.

The extension is located to the rear of the property and due to the site being a corner plot, the extension would be afforded partial views from public vantage points on Greenway. However, screening along the side boundary is formed by hedging set behind a low brick wall which aids to mitigate any visual harm and the proposal is not considered to be an intrusive or incongruous structure and would therefore comply with Key Design Principle 1 of the SPD. Furthermore, it is of a simplistic design that would not appear jarring when viewed the host property or wider rear 'street scape'.

The submitted details indicate that the structure would be finished with render however no further details in terms of type, colour or texture have been submitted. To accord with Key Design Principles 1 and 9 of the SPD, it considered reasonable to add a condition to the decision notice ensuring that the materials match the host dwelling.

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of Policies LP1, LP2 and LP24 of the Kirklees Local Plan, having regard to Key Design Principles 1, 2 and 9 of the Supplementary Planning Document on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for 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.

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. In addition, 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. Furthermore, 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

In terms of overlooking there are proposed openings within the rear elevation of the extension and a roof light within the roof slope only. As the openings would face the garden area for the property and the window is at ground floor level there are minimal concerns regarding overlooking.

As referred to above, key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, there is a part width two storey extension on the attached neighbouring property which is set in from the shared boundary. There is a ground floor opening within the rear elevation of the original part of that property close to the shared boundary however due to the presence of the existing two storey, this already causes overshadowing to this opening regardless of the cut to the 45 degree rule by the proposed works.

It is noted that the structure would not be set in from the shared boundary by 1 metre and there is the potential for a tunnelling effect to this window. However as the structure is single storey in height, of modest projection, there is some set off and the fence on the shared boundary would screen parts of the extension from this window, it is not considered that its presence would cause undue harm in terms of loss of light or from being overbearing or

There are no other properties which would be unduly impacted on by the proposal.

The majority of the garden of the rear amenity space would be retained as a result of the proposal and the development is therefore considered to be in accordance with Principle 7 of the House Extensions and Alterations SPD too.

Therefore, it is considered that the proposed extension is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations Supplementary Planning Document as well as policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and 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 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.

In this case the works to the property would be to the rear and therefore would not impact on existing parking or highway arrangements, and no existing bedrooms are proposed, therefore the impact upon the highway network is considered neutral, in accordance with Key Design Principle 15 of the SPD.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 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 pre-dates 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.

As the extension would be constructed from modern building and construction techniques, the extension would increase the thermal efficiency of the property, and no other measures are considered necessary so as to mitigate the impacts of climate changes.

Biodiversity
Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. 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 proposal would not result in any alterations to the roof of the existing dwelling. However, the site is not within a bat alert zone on the Councils GIS system and the extension is a relatively low height therefore the potential for bats is considered unlikely. Thus, it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a householder development of this scale.

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: 2023/90179

Officer Recommendation: 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 51 of the Planning and Compulsory Purchase Act 2004.

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, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
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 Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1686481		18th January 2023
Existing elevations, floor plans and block plan	1688 – 01		18th January 2023
Proposed elevations, floor plans and block plan	1688 – 02		18th January 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:	7th March 2023

Coal – none