

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:	2023/62/90524/W
Site Address:	6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP
Description:	Erection of single storey extension to rear and engineering works to form retaining wall and garden area and cladding to external rear wall of dwelling (retrospective)
Recommending Officer:	Tom Hunt

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: 13-Jun-2023

Officer Report

Site Description

2023/90524 – 6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP

The application site relates to a two-storey, semi-detached, dwellinghouse faced with stone and render. It appears to be similar to an arts and crafts style with a gable frontage feature set within a low eaved, steeply pitched, side gable roof using red tile. Its rear elevation has a steeply pitched narrow outrigger and small dormer inset on the first floor. It has a front amenity space which is tarmacked and given over to off street parking sufficient for two cars, a large side garden with detached garage and driveway and garden to the rear. The side garden space is at lower ground level than the house with associated retaining wall.

The area is residential with varied styles and ages of properties and material palettes.

Description of Proposal

Erection of single storey extension to rear and engineering works to form retaining wall and garden area and cladding to external rear wall of dwelling (retrospective)

It is proposed to demolish the outrigger for a single-storey rear extension which would be flat roofed. It would project 4m from the rear, be 6.1m width and 2.7m height. The extension would be in stone to match the host and at first floor the rear elevation would be in black vertical upvc cladding. Openings would see patio doors to the rear and one high level horizontal window to the southeast elevation (serving the kitchen/dining area). The extension would have a roof lantern.

To the main body of the host, at the southeast elevation, it would have first and ground floor windows removed from the side of the outrigger and the host in the process.

The proposal would have a small patio area to the rear garden. A new retaining wall is to be built to allow level rear access from the highway, which would be graduated 0.4m in height from ground closest to the highway to be at its highest (1.3m above ground) towards the end of the garden and the existing side garden would have some excavation to form a new level garden area.

History of negotiations/amendments received

The case officer considered the application on review and sought clarification on the proposal to ensure that plans submitted reflected what was being carried out.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letter which expired on: 14/04/2023

No representations have been received.

Amended plans were received although it was not considered necessary for them to be re-advertised. This was due to there being no substantive additional impact to visual or residential amenity.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 53 – Contaminated and unstable land

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 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
- 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. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. 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 addition, policies within Chapter 12 of the NPPF will guide the proposal’s impact on achieving good design. In this case, the principle of development is considered to be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the Key Design Principles 1 and 2 of the House

Extensions and Alterations SPD and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

Section 5 of the SPD provides specific advice on single-storey rear extensions on paragraphs 5.1-5.6 and states they should meet the following requirements or be justified:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- Maintaining external access to the rear garden
- Being set behind the original building, and not projecting beyond the sides;
- not exceed 4 metres in height;

Officer note: this will comply with external access and sufficiently retained garden area. The extension would be set behind the building and would not protrude beyond its sides and will be under 4m in height.

- be in keeping with the scale and style of the original house;
- not project out more than 3 metres from the rear wall of the original house for semi-detached houses;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Officer Note: The form and design of the extension would not be in keeping with the original scale and style of the dwellinghouse however this would be to the rear of the host with its primary and most significant elevation remaining unaltered. The extension would harmonise with its host with matching stone and would introduce a minor secondary material in black vertical cladding which would appear of low impact to the streetscene being positioned to the rear.

The extension would project more than 3m from the rear however this would be aligned with the neighbouring extension and therefore would not appear out of keeping. The height of the flat roof would be 2.7m so the advised height of eaves would be exceeded however it is considered that this marginal increase be acceptable given the proposed separation distance of 0.5m mitigating against it being overly obtrusive when viewed in conjunction with the neighbouring rear extension. Fenestration would vary from the host with the introduction of a horizontal side window and large glazed patio being positioned largely at or towards the rear; the varied design would also appear

to be of little effect to the character and design of the host and the impact of this to the streetscene would therefore be acceptable.

The retaining wall would be re-faced in stone with refreshed pointing and would replace an existing one so would be of slightly improved visual appearance. Timber fencing would be erected to the rear raised garden to visually screen the garden which would appear as being in keeping with the residential area.

Whilst it is noted that the works would be visible from the streetscene at Reinwood Road, they would appear unobtrusive and of low visual impact consequentially in keeping with Key Design Principle 1 of the SPD.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and, subject to condition to ensure the materials of construction are those as set out, the development is considered to be acceptable and accord with Policy LP24 of the Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 8 (northwest) and No. 4 (southwest)

No. 8

With regard to No. 8, the proposed extension and fence would be against the existing conservatory style rear extension thus adding some restricted overshadowing and loss of outlook to the neighbour. However this is to windows in the side elevation of the extension to no.8.

It is considered that this is balanced against the fact the fence height being able to be constructed by utilising Permitted Development Rights would be 2m and the alignment of the rear extensions to the host property not significantly impacting upon the rear windows

While the works carried out to the rear extension would not benefit from Permitted Development Rights, it is considered an extension with a 3m projection and higher eaves height / roof could be implemented in any case and the removal of the outrigger's roof has had some benefit to the amenity of no.8.

In this case it is considered that the impact of the proposal upon no.8 is acceptable given the scale of the development, and having regard to the realistic pd fall back which exists in this case.

No. 4

This neighbour has its property's rear elevation rotated towards the application site's side garden. It would face out to a new fence and extension sited to the northwest sufficiently at a distance so as to avoid any overbearing, overshadowing or loss of outlook. The proposal would have reduced quantities of side elevation windows to ground and first floor partially screened by the existing garage outbuilding in between with very oblique views possible to dormers and side elevation windows so there would be an significantly improved relationship with overlooking and loss of privacy.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b and the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan & the Council's adopted Highway Design Guide relate to access and highway safety and are considered to be relevant to the consideration of this application. Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD

seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

Turning to highway safety, the Highways Design Guide advises that new developments should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 2-3 bedroom dwelling it should have a minimum of 2 off street parking spaces. The front amenity spaces has been hard-surfaced removing most of the softening effect of the previous amenity space's landscaping however it is proposed that this is suitably mitigated by the remaining landscaped side garden contribution toward visual amenity balancing out this detrimental impact.

A Section 184 footnote is recommended to be attached to any grant of permission to advise the applicant of their duties to ensure that the dropped kerb to the pavement had been carried out safely with regard to utilities being under the pavement.

The proposal would not intensify use through the addition of any bedrooms and has sufficient off street parking to meet need and space for bin arrangements to remain as existing.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not intensify use, supplies sufficient off street parking and therefore would not cause additional harm to highway safety in accordance with Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement had been supplied to set out how the proposal would support this aim.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, re-use of existing materials and the increased daylighting through rooflights, the proposal would be of benefit to the original building's envelope increasing its energy efficiency and would contribute positively towards carbon reduction.

Drainage

The site is within a low probability Flood Risk Zone with development limited to the rear leaving a substantial soft surfaced garden. An operational sewer

can be viewed on available survey records within the footprint of the proposed. Any works to carry out the extension need to have had regard for requirement H4 of the Building Regulations 2010.

In this instance, works to surface the front amenity space should be carried out to ensure a permeable or drained surface away from the drainage systems. A condition is recommended to be included to ensure this, subject to condition the proposal is considered to be in accordance with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a well sealed, concrete overlapping roof tile and therefore considered unlikely that the proposals would have an impact on the bat population. In this instance the standard informative had not been attached as the proposed works had been retrospectively carried out at the applicant's own risk in discharging their lawful duty to avoid impacts to a protected species.

The remaining side and rear garden would be soft landscaped in lawn and while this would not be a biodiverse environment it would still retain the potential to have future gardening works carried out to increase its biodiversity. It is proposed that this would have a largely neutral impact with its small scale development carried out within existing hard surface at a sufficient distance away from the significant amenity woodland of the Urban Greenspace designated as Reinwood Community, Infant and Nursery School to the rear .

The proposal would be compliant with KDP 12-13 of the SPF, and Policies LP30 and LP33 of the Kirklees Local Plan.

Contaminated and unstable land

The proposal seeks to have works done within a historic landfill buffer area and landfill gas site (within the 250m buffer). The development also relates to a retaining wall. It is noted that the majority of the works had been substantially completed therefore it was considered not necessary to append a pre-cautionary condition on discovery of contaminated land.

The retaining wall is to be of minor height (0.4m) adjacent to the highway and would replace an existing one of similar height, the retaining wall increases in height away from the highway ensuring that it would have very minor effect on the highway being next to the side garden.

Paragraph 184 of the NPPF sets out that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. In this case it is considered sufficient information has been provided, in light of the fact the development is retrospective that issues relating to land stability / contaminated land are suitably addressed.

In consideration of the proposal in this regard, the development is considered to be compliant with policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation
Decision Authorisation – Delegated

Approve

Application Number: 2023/90524

Officer Recommendation: Approve

Conditions and Reasons

1. 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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP28, LP30 and LP53 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

2. The external materials of the extension hereby approved shall in all respects match those used in the construction of the existing building. The external materials of the retaining wall shall be natural stone. The materials of construction shall be thereafter retained.

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

3. The parking area created to the front of the property shall be provided within the site outlined in red on the hereby approved 'Existing and Proposed Block Plan. Drawing No. 01. Unamended' The spaces shall be laid out with a

hardened and drained surface 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD'.

FOOTNOTE: The changes to the access within the adopted highway fronting the property should have been constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: With regard to land stability the applicant / developers attention is drawn to the fact responsibility for securing a safe development rests with the developer and/or landowner.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	-	Unamended	15/02/2023
Existing and Proposed Block Plan.	Drawing No. 05.	A	08/06/2023
Existing Ground Floor and Elevation (East and North) Plans.	Drawing No. 01.	Unamended	24/02/2023
Proposed Floor Plan and Section A-A.	Drawing No. 02.	A	08/06/2023
Proposed Elevation Plans (East and North).	Drawing No. 03	C	08/06/2023
Climate Change Statement	-	-	24/02/2023
Image received from agent	Image of existing retaining wall	-	01/03/2023
Image received from agent	Image of existing retaining wall	-	01/03/2023
Image received from agent	Agent supplied photographs of the rear	-	02/05/2023
Email rec'd from agent	Communication from agent regarding status	Original	02/05/2023

Plan Type	Reference	Version	Date Received
	of the works and additional detail.		

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 considered the application on review and sought clarifications and amended plans to assess the proposal under the relevant policies above.

Report Dated: 08/06/2023