

**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:	2023/62/90584/W
Site Address:	15, Hunston Avenue, Quarmby, Huddersfield, HD3 4YZ
Description:	Erection of two storey and single storey side extension with external alterations to form hipped roof and demolition of existing garage and lean-to
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 14-Apr-2023

Officer Report.

Reference: 2023/90584

Location: 15, Hunston Avenue, Quarmby, Huddersfield, HD3 4YZ

Proposal: Erection of two storey and single storey side extension with external alterations to form hipped roof and demolition of existing garage and lean-to

Site Description.

15 Hunston Avenue is a two-storey semi-detached property located in Quarmby, Huddersfield. The external walls of the property are faced in stone, brick and render and a hipped roofing form is established above, infilled with blue slate tiles. To the northern side elevation, the property benefits from a flat roofed two-storey extension. Within the wider curtilage of the site, garden amenity space is located to the rear of the property and on-site parking amenity space to the front and there is a detached garage also.

The property is located within a residential cul-de-sac, where the properties share a strong sense of similarity with regard to their construction style and design.

A Public Right of Way runs adjacent to the northern boundary of curtilage at 15 Hunston Avenue, specifically HUD/358/10.

Description of Proposal.

Planning permission is sought for the erection of a two-storey and single storey side extension, with external alterations to form hipped roof and demolition of existing garage and lean-to.

The existing two-storey side extension will be retained to the side elevation of the property. A two-storey extension is proposed to be erected to the northern side of this existing extension, taking the total width of the projection to 3.25 metres. The length of the additional extension will match the length of the existing side extension, 4.5 metres. A hipped roof would be erected above the

existing side extension and proposed addition, with a maximum height of 7 metres.

A single storey extension is proposed to wrap-around the two-storey side extension, projecting from the side elevation by 1 metre and projecting from the rear elevation by 3 metres. A gable roof would be erected above the extension to the side and a lean-to roof would be erected above the extension to the rear, of a maximum height of 3.9 metres.

The external walls of all of the extensions would be faced in brick and render to match the host property and the roofs infilled with blue slate tiles.

Two additional windows are proposed to the front elevation of the side extension, one regular window and a set of glazed doors are proposed to the ground floor of the side elevation and two windows are proposed in the rear elevation of the single storey rear extension. The proposed windows would be framed in white PVCu.

Roof lighting is also proposed in the roof of the single storey rear extension, in the form of velux windows.

Within the interior of the dwelling, the two-storey extension will extend an existing bedroom and the single storey extension will function as a utility room and extend the kitchen/dining area.

The garage is shown to be demolished. The plans indicate a summer house to be built to pd standards within the garden but this is not assessed or verified by this application.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

There is no planning history at the application site, however, analysis of site using the Council's GIS mapping system and historical mapping data shows the flat roofed two-storey extension to be an addition to the original property. Historical maps show that the extension was constructed sometime between 1965 and 2000.

Planning history at neighbouring properties:

- **2014/90267** – 16 Hunston Avenue - Erection of two storey side extension and elevated walk way. *Granted Conditional Full Permission.*
- **2014/90941** – 16 Hunston Avenue - Erection of two storey side extension and elevated walk way. *Granted Conditional Full Permission.*

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 letters, a site notice and within the newspaper, in recognition of the proximity of the extension to the PROW.

Final publicity date = 13th April 2023.

No representations were received.

Consultation Responses.

KC PROW – requested that a footnote regarding the public right of way be included if consent is granted. The requested footnote is set out below:

‘Public footpath Huddersfield 358 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council’s public rights of way unit may be contacted by telephone 01484 22100 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Policy/Legislation.

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

The application site falls within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

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

National Policies and Guidance:

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

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

Assessment.

The following matters will be considered as part of the assessment:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

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

1) Impact on Visual Amenity

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

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

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

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

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

- Key Design Principle 1 – Local Character and Street Scene
- Key Design Principle 2 – Impact on the Original House

Paragraph 5.19 of the House Extensions and Alterations SPD sets out that *“Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of the area.”*

Paragraph 5.20 sets out that two-storey side extensions should:

- not take up all or most of the space to the side of a house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

With regard to single storey rear extensions, paragraph 5.6 of the House Extensions and Alterations SPD sets out that they 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 terrace houses or by 4 metres for detached properties
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The design of the proposal is such that the proposed two-storey side extension would adjoin to the existing two-storey projection to the side of 15 Hunston Avenue. The existing and proposed extension would be set back from the front elevation of the host property by 3.9 metres and the proposed new hipped roof ridge would be set down by 1 metre from the roof pitch of the host roof. In addition, the single storey side extension would also be set back from the original building line by 3.9 metres and would have a modest height of 3.9 metres.

The siting of the extensions to the side would retain a minimum separation distance from the boundary of 1 metre. The side boundary adjoins with the location of the public right of way, therefore, an even greater separation distance would be present from the nearest properties to the north west. Therefore, it is considered that the proposed side extensions retain an adequate sense of space in the context of the site and surrounding area and

would not create a terracing effect or adversely affect the users of the public right of way.

The proposed rear extension to 15 Hunston Avenue is considered to be subservient, due to its single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a lean-to roof, by form, naturally reduces the potential for undue bulking and massing from the overall appearance of the extension.

The forms of fenestration across the extensions are also considered acceptable visually, in keeping with the architectural design of the host property, whilst enhancing the contemporary design of the property through the use of glazed doors and roof lighting.

Therefore, it is considered that the overall height, size, scale and massing of the extensions would be acceptable visually and that the extensions would be of a subservient design. In turn, it can be concluded that the extensions would not be an obtrusive addition to the host dwelling and would sympathetically complement the existing architectural style of the dwellinghouse.

Within the wider streetscene, it has been noted that the neighbouring property of No. 16 Hunston Avenue has been extended in a similar way to the works proposed at No.15. Therefore, the proposal to 15 Hunston Avenue is considered to be acceptable in terms of the character of the wider locality. It should also be noted that, due to the significantly set back position of the proposed works, the extensions would not be obtrusively visible from the highway.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see a reduction in the extent of rear garden amenity space at 15 Hunston Avenue, but it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 13 Hunston Avenue and No. 16 Hunston Avenue. It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 13 Hunston Avenue:

This property neighbours the application site to the north-west.

The proposed extensions would retain a minimum separation distance of approximately 2.5 metres from the boundary with this neighbouring property and an even greater separation distance from the neighbouring dwelling itself. In turn, this separation distance, in conjunction with the proposed siting of the extensions, would not result in any significant impacts of undue overbearing or overshadowing for the occupiers of No. 13 Hunston Avenue.

In addition, the extensions propose glazing to only the ground floor on the side elevation. As such, it is not considered that the extensions would result in any detriment to neighbouring privacy for this neighbouring property with regard to overlooking.

It has also been noted that there are several forms of boundary treatment in place between these two neighbouring properties, including tall dense hedging.

No. 16 Hunston Avenue:

This property adjoins the application site to the south.

Given that the side extensions would be retained behind the existing footprint and height of the host dwelling to the northern side elevation, the works would not result in any detrimental impacts of overbearing or overshadowing for the occupiers of this neighbouring property.

The proposed single storey rear extension will retain a separation of approximately 3.3 metres from the boundary with this adjoining property. In turn, given this extent of separation, it is concluded that the extension would not result in any detrimental impacts of overbearing or overshadowing for the occupiers of No. 16 Hunston Avenue. In addition, the rear extension complies with the 45-degree rule as set out with Key Design Principle 5 of the House Extensions and Alterations SPD.

The extensions do not propose any increase in glazing to face directly towards this neighbouring property, therefore retaining existing levels of residential privacy.

For these reasons, the proposed developments at 15 Hunston Avenue are not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development will not increase the domestic function of No. 15 Hunston Avenue, nor will it alter the existing parking arrangements on site or access to and from the adjoining highway (the garage provides substandard space for parking a vehicle at present), therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed extensions at 15 Hunston Avenue would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change:

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

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

suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The application has been submitted with a Climate Change Statement which sets out some specific measures that would be incorporated to the development. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

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

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

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

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

Public Rights of Way:

Given that the proposed extensions to 15 Hunston Avenue would not prejudice on the function, continuity or use of public footpath HUD/358/10 as a walking or cycling network or adversely impact on the user experience of walking this route, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan. In turn, public footpath HUD/358/10 will be protected following the erection of the proposed extensions to 15 Hunston Avenue.

Upon the grant of consent, a footnote would be included to ensure that the footpath is not obstructed or interfered with prior to, during or after development works

5) Representations

None received.

6) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2023/90584

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

2. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Note: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Note: Public footpath Huddersfield 358 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	152-22-PL01	-	21.2.23
Existing Plans, Elevations and Site Plan	152-22-PL02	-	21.2.23
Proposed Plans, Elevations and Site Plan	152-22-PL03a	-	21.2.23
Climate Change Form	-	-	21.2.23

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. No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

18. 4. 23