

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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| Reference No: | 2023/62/90666/E |
| Site Address: | New Barn, 23A, Strawberry Avenue, Liversedge, WF15 7NY |
| Description: | Erection of two storey front and side extensions and erection of single and two storey rear extension with internal and external alterations |
| Recommending Officer: | Edward Cheseldine |

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 31-May-2023

Officer Report

2023/90666 - New Barn, 23A, Strawberry Avenue, Liversedge, WF15 7NY

Site Description

23A Strawberry Avenue is a detached, modern house in the area of Liversedge. The dwelling has a stone exterior with wood effect window frames and concrete roof tiles. The application site has generous curtilage, especially to the front and rear of the property. The boundary treatment for the property boundary is a high stone wall with infill fencing between the stone posts.

The application site is situated behind residential properties on Strawberry Avenue, off a single-track backroad. The site has its own entrance and gateway. There is an array of residential building types in the area with differing materials and designs, including large dwellings, a block of flats, a caravan site and electricity distribution site.

The site is not situated in a conservation area or near a listed building.

Proposal Description

The applicant is seeking permission for the erection of two storey front and side extensions and erection of single and two storey rear extensions with external alterations.

On the north elevation, there is to be a front extension which will project from the existing front elevation by 0.9m to a width of 4.6m. The front extension will meet the existing eaves and will reach a maximum height of 7.0m including the gable end. This extension is to be highly glazed.

On the north/west elevation a side extension is proposed, projecting 7.5m from the existing side elevation, by 6.5m in width. The height is to be 4.0m to the eaves, reaching a total height of 6.5m including the gable end roof. There will be a minimum gap between the east extension and property boundary of 1.0m. This extension will feature double garage doors and a dormer window. The existing east elevation will projection an additional 0.9m and will be fully glazed.

On the south elevation, a new façade is to be installed. At its longest point, it will project a further 3.4m from the existing rear elevation. The design of which will be similar to the alterations on the north and east, being two storeys with a new gable end, introducing a high amount of glazing. There is also to be a balcony on this face.

On the west elevation, there is to be a new triple window and three skylights installed on the garage.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 14/04/2023. As a result of the above publicity, one representation was received. The following concerns were raised:

- Windows would overlook neighbouring properties.
- Extensions would be too close to the property boundary.

These concerns will be addressed in the residential amenity section of the officer report.

History of negotiations

Negotiations have been sought to address initial concerns regarding the additions on the east elevation, effecting residential amenity of neighbouring sites. Adjustments to the design were made, to obscure a window and leave at least a 1.0m gap to the property boundary.

Consultation Responses

No consultation has been 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 Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 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

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

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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Alterations and Extensions SPD and Chapter 12 of the NPPF,

regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

23A is situated within a 'backland' location, behind residential dwellings. The proposal will introduce glazed façades on the north, east and south elevations which will replace the stonework on the building elevations. The dwelling has a modern appearance, even though it has been built in a traditional style. The glazing will compliment the host dwelling. Given the amount of materials present within the surrounding buildings, the introduction of the high amount of glazing proposed will not alter the character within the area. Considering the design, the form of the building will keep its 'L' shape. The alterations are therefore mainly cosmetic adding gable ends and glazed area. The bulking on the east elevation is set back and down from the original dwelling, appearing subservient.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity

Impact to Headlands Farm (north building)

Headlands Farm building is located to the north of the application site. The extension will have a gap of 1.0m from the property boundary. In terms of privacy, there will be a triple window on the side elevation. This will be obscurely glazed as to protect privacy for the occupants of Headlands Farm. There is also proposed to be a new triple window on the ground floor elevation, facing Headlands Farm, this will be an elevation with existing approved windows, the outlook of which will be protected by a high level boundary fence. In terms of an overbearing impact, there will be a distance of 2.0m to the outdoor space and 1.0m to the rear of the farm building which will mitigate this impact. The alterations will block early morning sun, casting a shadow over one building at Headlands Farm. Given the extension is set down and back, and with the gable roof style, the profile of the extension is set within the existing property, which will reduce the overshadowing effect.

Impact to Headland Farm (west dwelling)

The residential dwelling within the Headlands Farm curtilage is situated to the west of the application site. In terms of privacy, there are existing windows facing onto the property from the rear of No. 23A, additionally, several new

windows will be installed on the proposed two-storey side extension. A distance of ~21m will be maintained between the buildings which will mitigate any changes to privacy. Again, due to distance, there will not be a loss of light, loss of outlook, or the creation of an overbearing effect.

In addition to the above, the proposed side extension would not have a significant overshadowing impact upon the garden of this property due to its siting to the east and location partly alongside an existing building, also taking into account the siting of the application property and existing relationship between the two.

Impact to 35A Headlands Road

No. 35A is a residential dwelling, currently under construction to the west of the application site. Given, the angle of the projection of the south elevation, proposed windows will not face this property. Given the projection and lack of side windows at No 35A, there will not be an undue loss of light or loss of outlook as the pre-existing distance to the property boundary will be maintained and the roof style of the extension is sloped. In terms of an overbearing impact, the projection will be to an eaves height of 5.4m, with a projection of 4.0m. Distance to the boundary from the extension will be 2.3m, which is separated by a high boundary wall with fencing. Between No. 35A and the boundary wall there is outdoor side space which has a distance of 3.2m to the property. Given there are no windows for habitable rooms, the distance between the properties and there is adequate side space, it is deemed there will not be an overbearing impact from the extension.

Impact to 21 & 23 Strawberry Avenue

These properties are located to the east of the application site, of which the rear of the properties look onto No. 23A. In terms of privacy, the new façade on the east elevation is estimated to be ~32m away from these properties. Therefore, there will not be a change to privacy or an overbearing / overshadowing impact.

Impact to 2, 4 & 6 Cliff Court

These properties are located to the south of the application site. The new façade is estimated to be ~30m to the rear of these properties. As such there will be no impact to privacy or an overbearing / overshadowing impact. The balcony will be situated on the elevation facing these properties. The east view of the balcony will be screened by the projection of the façade. Due to distance, the balcony is acceptable and it will not harm privacy.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the

House Extensions and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Internal alterations will result in an intensification of the domestic use, taking the dwelling from a five bed house to a seven bed house. The parking provision to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the side of the house which will remain. There will be sufficient space to the side for bin storage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Biodiversity

The proposal is for the construction of a two-storey side and a single-storey rear extension which will affect the main roof of the existing dwelling. The site is situated in an area that is known to include bat habitats, as such, if signs of bat habitats were found during construction, expert advice should be taken and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

This application to erect a two storey front and side extensions and erect a single and two storey rear extension at 23A Strawberry Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

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.

As set out above, 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

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.
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.
4. The development shall not be occupied until the multi-use room window in the north elevation of the side extension hereby approved has been obscurely glazed (to a minimum Grade 4). 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) the obscure glazing (to a Grade 4) shall thereafter be retained.
Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.
5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the north elevation of the side extension at any time.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).

NOTE: Please note that the granting of planning permission does not override

any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications table: -

| Plan Type | Reference | Version | Date Received |
|---------------------|------------------|----------------|----------------------|
| Proposed elevations | 2022-014-(20)001 | 2 | 28/04/2023 |
| Block plan | 2022-014-(20)002 | 2 | 28/04/2023 |
| Existing elevation | (EX)001 | 1 | 06/03/2023 |
| Location plan | (EX)002 | 1 | 06/03/2023 |

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 Planning Authority has, 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. Amendments were sought to comply with Kirklees planning policy for the construction of the side extension.

