

**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:	2023/62/91027/E
Site Address:	68, Thorpes Avenue, Denby Dale, Huddersfield, HD8 8TB
Description:	Erection of first floor rear extension, single storey side and rear extension and external alterations
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 06-Jun-2023

Officer Report

Reference No. 2023/62/91027/E

Site Address: 68, Thorpes Avenue, Denby Dale, Huddersfield, HD8 8TB

Proposal: Erection of first floor rear extension, single storey side and rear extension and external alterations

Site Description

The application relates to 68 Thorpes Avenue, a two storey detached property situated in Denby Dale, Huddersfield. The dwelling is faced in brick and incorporates a dual pitched roof finished in tiles. The property currently benefits from off road parking to the front, a detached garage and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles.

Description of Proposal

The application seeks planning permission for a first floor rear extension, a single storey side and rear extension and external alterations to the original dwellinghouse. The existing detached garage will be demolished to allow for the proposed development. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed external alterations and extensions.

The proposed works are as follows:

- Single storey side and rear extension (projection approx. 2.5m from the existing side elevation and approx. 1.8m from the existing rear elevation, maximum height of approx. 3.52m and a height to eaves of approx. 2.6m)
- First floor rear extension (width approx. 5.75m and cumulative height approx. 6.82m with the existing single storey element)
- New first floor window to south-east facing side elevation

Relevant Planning History

Not Applicable.

Representations

The application was advertised by neighbour notification letters, which expired on 26th May 2023. As a result of the above publicity, one representation was received. A summary of the neighbour's comments can be found under the 'Representations' section of the Officer's report.

Denby Dale Parish Council – No comments received.

Consultation Responses

Not Applicable.

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. However, it is located within the Strategic Green Infrastructure Network. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- LP 1 - Achieving Sustainable Development
- LP 2 - Place Shaping
- LP 21 - Highways and Access
- LP 22 - Parking
- LP 24 - Design
- LP 31 - Strategic Green Infrastructure Network
- LP 52 - Protection and Improvement of Environmental Quality
- LP 53 - Contaminated and Unstable Land

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.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 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

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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Visual amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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. Furthermore, Key Design Principle 2 of the SPD goes onto state 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 details.

Single Storey Side and Rear Extension

The extension proposed would project approx. 2.5m from the existing side elevation and approx. 1.8 from the rear elevation of the original dwellinghouse. The enlargement would incorporate a mono-pitched roof finished in tiles and would be faced in brick to match the appearance of the host property. Although the rear extension would have a large width and would exceed the required 2.5m eaves height outlined within the SPD, it would appear subservient in relation to the original build and would maintain a sense of space within the plot. Furthermore, the side element of the extension would be modestly proportioned and would retain a distance of approximately 14m to the pavement which would reduce its prominence from public vantage points. On this basis, the proposed development would

respect the visual amenity of the host property and wider street scene and would be acceptable.

First Floor Rear Extension

The proposed extension would be a first floor addition to the existing single storey element of the property and would provide additional living space at first floor level. The extension would incorporate a dual pitched roof and would be constructed in a material palette to match the appearance of the original dwellinghouse. The enlargement would have an acceptable scale relative to the host property and would feature a lower ridge line such that it would appear subservient to the original build. Furthermore, the extension would maintain at least a 1m gap to all property boundaries. Therefore, it is considered that the proposed development would be acceptable in terms of visual amenity.

External Alterations

The proposed external alterations would see a modest obscure glazed window installed at first floor level. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area and would be acceptable in this regard. Although the window would serve an ensuite which is a non-habitable room, a condition has been added, to ensure this is obscurely glazed, to prevent any undue harm to the neighbouring occupants.

Summary

Having taken the above into account, the proposed development 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 Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on

overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties located north-east of the application site would be affected by the proposed works.

Impact on 71 Thorpes Avenue

71 Thorpes Avenue is a two storey detached property situated south-west of the application site. It is noted that the proposed single storey side extension would occupy a position approximately 30m from the neighbour's front elevation. Given that the separation distance retained would be substantial, it is considered that the proposal would have an acceptable impact on the neighbour's residential amenity.

Impact on 70 Thorpes Avenue

70 Thorpes Avenue is a two storey detached property located north-west of the application site. The proposed single storey side and rear extension first floor rear extension would have no detrimental impact on the neighbour's residential amenity given that the enlargements would be positioned away from the boundary line and would comply with the 45 degree rule in relation to the neighbour's ground and first floor fenestration. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

The development includes habitable accommodation to the rear with windows in a similar position to existing but closer into the site. It is not considered that the development will result in any additional overlooking over and above the existing relationship.

Impact on 66 Thorpes Avenue

The proposed first floor rear extension would be positioned approximately 1m from the common boundary shared with 66 Thorpes Avenue. However, the plans demonstrate that the enlargement would accord with the 45 degree rule in relation to the neighbour's first floor fenestration. On this basis, it is considered that there would be no overshadowing or overbearing impact on the adjacent occupant's amenity as a result of the proposed works.

The development includes habitable accommodation to the rear with windows in a similar position to existing but closer into the site. It is not considered that the development will result in any additional overlooking over and above the existing relationship.

It is considered that the neighbouring occupants at no.66 would not experience any additional harm to their residential amenity as a result of the proposed single storey extension given that the enlargement would be positioned approx. 0.98m from the common boundary and would be sufficiently screened by the neighbour's detached garage.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposal would not intensify the domestic use at the property but would affect the existing parking arrangements on site. However, the plans confirm that off road parking would be retained for two vehicles which is considered to represent a sufficient provision for a three bedroomed dwellinghouse. Therefore, the proposed development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

Other Matters

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.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be

sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

There are no other matters relevant to the determination of this application.

4. Representations

One representation was received following the statutory publicity. Concerns were raised regarding the proposed single storey rear extension and whether it would construe overdevelopment of the site given that it is an extension on an extension. However, in this instance, it is considered that the property and its curtilage would support the extension without it appearing incongruous or amounting to overdevelopment.

5. Negotiations

No amendments were sought or received during the course of the application.

6. Conclusion

This application for the erection of a first floor rear extension, single storey side and rear extension and external alterations at 68 Thorpes Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

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: 2023/91027

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.

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 LP1, LP2, LP21, LP22, LP24, LP31, LP52 and LP53 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD 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 and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. Prior to first occupation of the development hereby approved, the proposed ensuite window in the south-eastern side elevation shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale and non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the House Extensions and Alterations SPD.

5. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 178 and 179 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing Plans	703 - 001 - Rev -	04/04/2023
Proposed Plans – Option 1A Larger	703 - 008 - Rev C	04/04/2023
Proposed 3D Views – Opt. 1A Larger	703 - 009 - Rev B	04/04/2023
Climate Change Statement	-	11/04/2023

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 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 26/05/2023