

**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:	2023/62/91105/W
Site Address:	10, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA
Description:	Erection of two storey side extension
Recommending Officer:	Sam Jackman

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: 15-Jun-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2F91105>

Site Description

10 Springwood Hall Gardens, Springwood is a brick semi-detached property with a concrete pantile roof. The property benefits from an attached flat roof single garage to the side with a flat roofed canopy along the front extended over the bay window.

Description of Proposal

The application is a modified proposal for a two-storey side extension to create a snug, larger kitchen, utility & WC with an additional 4th bedroom above.

The measurements of the proposal are as follows:

- 3.1m in projection from the gable
- 8.2m in depth, the depth of the building including the bay at ground floor and 7.5m at first-floor with no set back from the front elevation.
- 5.2m in height to the eaves; 7.7m in overall height

The proposed extension would be built from materials to match the host property using brick with a concrete tiled roof.

History of negotiations/amendments received.

The agent has submitted justification given there would be no set back at first-floor as stated in the SPD.

Relevant Planning History

2022/93494 – 2 storey side extension with first-floor set back 0.5m - Approved

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93494>

Properties referred to in agents justification

No. 12 ref 2002/62/93100/W1, approved 25th October 2002
No. 4, ref 2016/62/94158/W, approved on 20th February 2017.
No. 16, ref 94/62/93009/W1, approved 19th September 1994.
No. 23, 2004/62/92692/W1, approved on 5th August 2004.

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which expired on the 8th June 2023, whereby no representations have been received.

Consultation Responses

None

Policy

The site is unallocated on the Kirklees Local Plan, falls within an area with a known presence of bats and also an area at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

Legislation

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area/ Listed Building
- 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 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the

adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

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

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of side extensions, the SPD states in Section 5.19 the potential impact they could significantly have 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 an area. 5.20 states 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.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the ‘Impact on Visual Amenity’ and ‘Impact on Residential Amenity’ sections of this report. On the basis the proposal is considered to be acceptable in terms of visual amenity, residential amenity and all other relevant matters it is considered the development could be concluded acceptable in principle.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

10 Springwood Hall Gardens, Springwood is a semi-detached property built around 1950 located within a development of mixed individual style properties, both 2- storey and single storey where the majority are detached 2-storey properties. The materials mainly used within the street are red brick with concrete tiled roof.

The proposed extension has been designed with brick and matching roof tiles, therefore, the proposed materials are considered acceptable in this case complying with LP24 and principle 1 of the Supplementary Planning Document in that the extension should be in keeping with the appearance, scale, design, and local character of the area and the street scene.

With regards its design, there are various styles with front gables as features projecting forward of the host property along with first-floor flush side extension to both detached and semi-detached properties, therefore, the design of the extension would be acceptable within in the street scene.

With regards to side extensions the Supplementary Planning Document state the following guidelines: -

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

These points are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in in a non-terraced street and must be avoided.

In this case the amended side extension shows the first-floor flush with the host building and roofline running through, where the previous application showed the first-floor set back 0.5m with a slight set down of the ridge height. The remaining design of the side extension is unchanged by the amended application.

The agent has submitted supporting evidence in that there have been various extensions within the vicinity which do not include a set back, but the agent has also acknowledged they have all been approved before the SPD was adopted.

The agent has gone onto say the reasoning behind the set back is for extension to avoid a negative impact on the street when side extension close to the gap between semi-detached or detached houses, which can create a terracing effect in a non-terraced street. The property is within an area of mixed style properties where over 95% are detached properties, including the adjacent neighbour No.8.

No. 8 which is to the North of the applicant's property is detached, which sits slightly forward from the applicant's property as well as being slightly higher and retains ample space from the proposal. The agent believes that the space available adjacent to no. 8 would not be suitable for any future expansion due to it not being parallel to the boundary with limited viability to extend. The application retains the 1m side walkway where the overall gap to the front between no. 8 and no. 10 measures circa 3.1m and 2m at the rear.

Therefore, given the above it is considered the amended scheme being flush at first-floor wouldn't create any undue terracing effect furthermore the proposal would comply with the SPD in relation to the remaining points.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain. The development is therefore considered to comply with this principle.

Therefore, the extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

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, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document 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.

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.”

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

No.10 has two side neighbours; the attached neighbour no.12 and the detached no. 8 with No's 17 & 18 directly opposite and No.42 & 44 Springwood Hall Gardens to the rear

Impact on No.8

No 8 is the detached neighbour located to the north of the application and sites at a slightly higher level and at an angle. No 8 has a small dormer in the side elevation similar to others within the area as this is an original design feature. The neighbour has previously confirmed this is, furthermore the window is to a store room as not fully insulated.

The current separation distance between the two properties is 3.10m which decreases to 2m at the rear, these distances would be unchanged by the proposal, therefore, given that the neighbours garage sits along this boundary with the store room above and the changes in levels it is considered the side extension as amended would still have no undue impact on this neighbour with regards being overbearing or overshadowing.

With regards overlooking there are only 2 non-habitable room windows at ground floor, therefore, given the difference in levels there would be no significant level of overlooking.

Impact on No.12

This neighbour is to the south and the attached neighbour, given that the proposed side extension would be within the confines of the front & rear elevation and on the opposite gable. There would be no significant level of overlooking, overbearing or overshadowing of this neighbour.

Impact on No.17 & 18

No. 17 & 18 are opposite the property and at a high level, where the separation distance is unchanged, therefore, there would be no significant level of overlooking, overbearing or overshadowing of these neighbours .

Impact on No.42 & 44

These properties are to the rear, where they are at angle with no direct facing windows where the separation distance will be over 25m. therefore, again

there would be no significant level of overlooking, overbearing or overshadowing of this neighbour.

The proposal would see the retention of an adequate amount of amenity space for use by occupiers of the host property. The proposal is therefore considered to be acceptable in this regard.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 & 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case it is accepted that the garage space will be lost, where the drive would remain at 7m and albeit unable to provide 2 tandem spaces there is additional space to the left.

However, the number of bedrooms will increase to four from three, however, given the existing situation within the locality with plenty of on street parking and the scale of the proposal it is considered it would be unreasonable of the LPA to insist upon the creation of a third off-street parking spaces on the basis the property would host 4 rather than 3 bedrooms. Furthermore, the visual impact of undertaking such provision within the curtilage is considered to have an unsightly impact upon the visual amenities of the street. As such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including

reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity – 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 is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining

Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/91105

Officer Recommendation: Approve

Conditions:

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

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP6, LP21, LP22, LP24 and LP33 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the Council's adopted Supplementary Planning Document on House Extensions and to accord with Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form			13.4.23
Location Plan 1:1250/ Block plan 1:500	PL 01		13.4.23
Existing floor plans	PL 02		13.4.23
Existing elevations	PL 03		13.4.23
Proposed floor plans	PL 04	A	13.4.23
Proposed elevation	PL 05	A	13.4.23
Climate change statement			24.4.23
Email from Agent with justification for departing from SPD			18.5.23

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 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 requested justification for the loss of the setback in relationship to the SPD.

Report Dated: 14.6.23

Coal - High