

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:	2023/62/91191/W
Site Address:	2, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP
Description:	Erection of single storey rear extension and alterations
Recommending Officer:	Tom Hunt

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 19-Jul-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/91191
Location	2, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP
Proposal	Erection of single storey rear extension and alterations
Publicity end date	01/06/2023 The Neighbour Notice Letters were sent out after plans were superseded so no re-advertisement was necessary.
Number of representations received	1
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes EoT Date: 25/07/2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information

submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 53** – Contaminated and unstable land

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking

- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	
Planning History	No	
Consultations required	Yes	KC Environmental Health – Precautionary condition recommended in relation to contaminated land. Recommended condition in relation to construction noise. No objection.

Assessment

Erection of single storey rear extension and alterations

The application seeks permission for the erection of a single storey rear extension with basement room.

- 4m from rear x 5.7m
- 3.7m ridge height with eaves 2.75m. The roof is of a lean to design.

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes	
Be set behind the original building, and	Yes	

not projecting beyond the sides		
Maintain external access to the rear garden	Yes	
Single storey rear extensions should:		
be in keeping with the scale and style of the original house		No – the pitch of the lean-to roof would appear to have a complicated design to the host's own multiple pitches when considering the outrigger and other roof types. Other roofing options would appear equally as incongruous and of poor design. Arts and crafts architectural style would be largely unchanged for visible primary and side elevations from Streetscene. The proposal is therefore considered acceptable in this regard.
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes	
not exceed 4 metres in height	Yes	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties		No – this would be largely screened by its position to the rear, the outrigger and the shared boundary treatment to be of low visual impact. It would appear as a moderately

		proportionate extension to the large host. Window to the rear of the attached neighbouring property approximately 1m from the side of proposed extension.
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters		No – it would be 0.25m above the SPD guidelines although considered to be a marginal increase in this case in relation to neighbouring property.
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – The proposal would continue the existing relationship with the host property being sited up to the shared (western) boundary.

The basement proposal does not have specific guidance set out in the SPD however as a guide, the proposal is judged on its overall visual impact to the host and streetscene as follows.

Design and Visual Amenity:

Property is on a corner plot with varied architectural styles and has a strong group value with its semi-detached neighbour enjoying a prominent position. It is faced with white roughcast render and varying red tile pitch roof and prominent eaves. Property is bounded with attractive and decorative stone walls with stone copings. There are gardens front, rear and side. To the rear of the property are significant amenity trees providing a pleasant and leafy setting.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	No significant impact as it will be screened by host building from the streetscene.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The roof design introduces another roof feature, however as it is sited to the rear and accounting for what can be undertaken under pd rights it is considered the proposal is acceptable in this case.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposal would appear subservient when viewed against the two-storey host.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Rough cast white render with anthracite grey openings and red tile to roof. Will harmonise adequately with host	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	As above	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Modern however would not detract from the character and appearance of host being limited to the rear.	✓
Accessibility for all users	• KDP 17of the SPD	As existing	✓

	• Policy LP24 Design (f) • Chapter 12 of the NPPF		
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The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- No. 4 Reinwood Avenue – Attached neighbour. Currently there is a shared boundary hedging of approximately 2.6m in place. The proposal would not have windows facing the property. Extension would be orientated to the northeast of the property which reduces the impact from overshadowing. The siting of the rear window to no.4 is such that the impact of the proposal is not considered to be unduly oppressive given the eaves height of the proposal and lean to design with a height of 3.7m.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	No significant impact.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Restricted overshadowing potential due to orientation of extension to neighbour and distance it is sited from nearest rear opening.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above	✓

Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	An adequate level of amenity space would remain.	✓
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The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Adequate. Does not intensify the occupancy of the host or encroach on existing parking areas giving rise potential issues with parking to affect highway safety	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As above	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Sufficient space remaining to supply storage of bins as per existing arrangements.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	None	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Small scale domestic extension, very limited potential impact on bats in area due to well maintained roofing. An informative has been attached to satisfy obligations under LP30 and legislation	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and soft landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓
Contaminated Land	• Policy LP53 of the KLP • Chapter 15 of the NPPF	The proposed development site is located close to 2 historic landfills that may have an adverse impact on the	✓

		proposed development (ref: 285/9, 273/9). For public safety to be maintained, precautionary condition on discovery of unexpected contamination considered acceptable as a proportionate response by Officers.	
Noise	• Policy LP24b) and LP52 of the KLP • Chapter 15 of the NPPF	Kirklees Council Environmental Health recommended condition limiting noise impacts however due to limited scale of development, inclusion of such a condition is not considered reasonable. However a footnote is recommended, to advise on separate legislation available to the Council to address noise should it be at a nuisance level.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Support – Sympathetic design to arts and crafts style.	Opinion noted	✓
Obscure rooflight glass advised to maintain privacy	Not conditioned. Due to oblique angles involved and relationship of window to rooflight, would not have significant concerns raised with regard to loss of privacy and would not meet the six tests in relation to the use of conditions. It is considered it would be unreasonable of the LPA to impose a condition to obscure the roof lights in this case.	✓

Shared boundary hedge condition	Unable to condition continued health of hedge under available Planning controls. Noted informal agreement to maintain health of hedge. The LPA is unable to condition this as this would be a private matter between interested parties to be resolved.	✓
Downpipes and drainage	Controlled by Building Regulations and this would be the private responsibility of the land owner / developer to ensure safety and to avoid damage to buildings.	✓
Evacuation of ground for basement, structural viability and foundation works	Controlled by Building Regulations and this would be the private responsibility of the applicant and workers hired to ensure safety and to avoid damage to buildings. Informative note recommended to be added to any grant of permission making the applicant aware of their responsibility in relation to land stability.	✓
Party Walls and Notice	Controlled by Building Regulations. Informative note recommended in relation to party walls to set out legal obligations.	✓
Historic spring/stream to northeast may require a water table survey	Council records show this culverted watercourse to be at a distance of ~18.6m northeast of the plot boundary and a distance of 29m plus to the specific location of the development. As the development would not be diverting a watercourse, and appears to have no direct impact, any risk of works leading to subsidence or poor drainage would be controlled by Building Regulations and be the private responsibility of the applicant/workers hired to ensure safety of building and occupants.	✓

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2023/91191

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 & LP30 & LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination 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 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. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as 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 public safety and to comply with policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

FOOTNOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: This planning permission does not override other duties and responsibilities set out in civil legislation and regulations pertinent to the development of land. You are advised to check whether there are covenants over land or third party rights of consent required. For example, under the Party Wall etc Act 1996 (as amended).

<https://www.gov.uk/party-walls-building-works>

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the

Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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.

FOOTNOTE: Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No. (100) LOC.		20/04/2023
Existing Site, Floor and Elevation Plans.	Drawing No: (100) 01.		26/04/2023
Proposed Site, Floor and Elevation Plans.	Drawing No: (100) 02.		26/04/2023
Supp Info – General	Covering Letter by Acumen Designers & Architects. Ref: HG/JC/2787. Dated 14/04/2023.		20/04/2023
Climate Change Statement			26/04/2023

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated:

18/07/2023