

**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:	2023/62/91225/W
Site Address:	4, Broadgate Crescent, Almondbury, Huddersfield, HD5 8HT
Description:	Erection of rear extension with raised patio 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: 13-Jul-2023

Officer Report

Site Description

2023/91225 – 4, Broadgate Crescent, Almondbury, Huddersfield, HD5 8HT

The application site relates to a detached bungalow with a single-storey attached garage set to the rear of the property. The property is part faced in render and stone with a pitched, concrete tile roof; red brick is used as a secondary material with column detail to host and to garage. It has a front amenity space, a driveway to the garage and to rear, a raised patio leading to the soft landscaped garden which is on lower ground. There is a rear access path to the side of the garage to the garden.

The site is in a residential area of varying architectural designs and materials.

Description of Development

Erection of rear extension with raised patio and alterations

All figures are approximate and in metres.

The single storey rear extension has a pitched roof and is the following dimensions:

4m projection from the rear x 7.7m width and a roof ridge height of 4.9m and eaves of 2.5m measured from ground level.

The extension is rendered to match the host with bifold openings to the rear only.

To the host, external alterations include:

East elevation – part infill of existing window for a high level window to serve an en-suite. Replace a door/windows for new glazed door and sidelights. New solid door to garage.

West elevation – new window in existing opening, infill of existing opening to have a high level window to ensuite.

Primary elevation – new windows and the elevation to be faced in render (removing original stone details)

The patio projects 7.6m from the original rear elevation and to be limited to the full width of the extension (8.5m). The patio is at 0.85m in height from the ground level of the lower garden and has external steps down to the lower garden. There would be a lawned area to the patio's southeast which would be at the existing ground level (0.3m below the raised patio) and be sectioned off from the lower garden with a wall of 0.95m height.

Officer Note: There is an indicated privet hedge to be planted on plans adjacent to No. 2. For the purpose of the assessment, this cannot be considered as part of the application as the height and retention of the hedge cannot be controlled by planning condition for the purposes of privacy.

History of negotiations/amendments received.

Additional information was supplied in the Planning Statement acknowledging that the proposal would not be Permitted Development due to the roof ridge height; in mitigation, it states that it complies with Class A.c) and d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1.

All relevant paragraphs of Class A of the Act need to be complied with in order to benefit from Permitted Development Rights,

It states compliance with the SPD, which is to be assessed as follows.

Following notification of the likelihood the scheme as initially submitted would not be supported the proposal was amended to address the concerns raised.

Relevant Planning History

There is a currently pending enforcement complaint (ref: COMP/22/0348) in relation to the development the subject of this application.

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 which expired on: 20/06/2023

Three representations have been received; a summary of the comments Objecting to the scheme had received and set out below:

- Overlooking/loss of privacy from patio
- Overshadowing
- Overbearing

Officer Note: These matters are addressed in the assessment section of this report.

- Destruction of wall and removal of trees not in ownership of applicant

Officer Note: Any grant of planning permission would still require the applicant to carry out works lawfully with reference to property rights, access and removal of trees without permission. The trees did not have Tree Preservation Orders and are not in a Conservation Area so

protection is limited. This would be a private matter between impacted parties.

- Loss of view

Officer Note: This is not a planning material consideration to which significant weight can be afforded in this case given the scale and nature of the proposal.

- Following query of works being carried out was told works were Permitted Development

Officer Note: The formal decision of the Council in relation to whether works constitute permitted development can only be provided in the consideration of a Certificate of Lawful Development.

The amended proposal was not readvertised as it significantly reduced impact on visual and residential amenity following representations received.

Consultation Responses

No technical consultees 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. It is within the Bat Alert layer, a low probability area for flooding and a Low Coal Risk Area.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD

- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 4 – Decision-making
- 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 are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. 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. In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

Section 5 of the SPD provides specific advice on rear extensions and states the following matters to be considered:

“Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended.”

In paragraph 5.6 of the SPD (page 24), specific guidance on the design of single storey extensions advises Officers 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 4 metres from the rear wall of the original house for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The rear extension would appear to continue the host’s design further from the rear with matching facing materials to wall and roof to harmonise. Fenestration details appear to have a typical residential style design of low visual impact that would not appear unduly out of keeping positioned to the rear. It is proposed to be the full span of the host with no set down roof ridge which would typically assist in a design that would appear to be visually smaller and subservient.

An extension of more limited width and reduced height may appear as a fussy addition to the host and of poorer design by altering the simple form of the bungalow. Considering the position of the extension to the rear, this would add a proportionate addition with restricted visual impact to the host and could be considered acceptable in line with SPD limitations on projection, property gaps to boundary and eaves height. It would not meet SPD guidelines on overall height which would also prevent the extension to be Permitted Development.

Despite this, the design of the extension to the bungalow would reasonably appear to preserve the simple form of the host whilst being a proportionate addition with sufficient property gap to boundaries and harmonising with materials adequately to be acceptable in terms of achieving good design.

The alterations to the openings of the host would appear as minor visual alterations which would be carried out under Permitted Development and would not appear out of keeping with the original character and design of the host.

The proposed cladding of the primary elevation to have a simple render frontage could be considered to be Permitted Development as it does not have restrictions on removing original stone details in this instance, only to have materials to similarly match the host. A complete change of cladding materials alien to the host would require planning permission. Whilst the frontage would appear to be somewhat unadorned of low visual interest on a detached dwellinghouse, the variety of architectural styles and materials would appear to render this of low impact to the host and it would not appear visually jarring within the streetscene.

The SPD sets out that balconies and roof terraces on existing buildings should not negatively alter the local character of the area (paragraph 5.28, page 32). The proposed patio set out in stone flags and stone limited to the rear elevation width of the extension would appear to suitably harmonise in colour to the rendered rear of the host and positioned to the rear would be of low visual impact to both the host and to the local character of the area. The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and would accord with Policy LP24a) of the Local Plan, Key Design Principles 1 and 2 of House Extensions and Alterations SPD and Chapter 12 of the NPPF in relation to visual amenity.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The SPD also directs Officers to have regard to impact of balconies/raised platforms so that those would be screened so they do not overlook homes and gardens and be sited to avoid additional noise and disruption. With regard to single-storey rear extensions, they should not overshadow nor lead to loss of outlook to neighbours.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 6 (northwest), No.s 3 and 5 Templar Drive (northeast) and No. 2 (southeast).

No. 6

The properties are similarly designed bungalows and have been built with original front and rear elevations in line with each other. Development had taken place at No. 6 with a single-storey conservatory style rear extension to No. 6 projecting 3.2m from the rear, set away from the boundary and the erection of three detached single-storey sheds adjacent to the boundary proximate to the conservatory. Whilst the extension would modestly extend further than the conservatory, it would be separated by 1m to the shared boundary, partially screened by the 1.6-1.8m height timber boundary fence and the existing sheds; as such considering the existing quantum of development, the proposed would not raise Officers concerns on additional significant impact on loss of outlook and overbearing. There would be no side elevation windows to the extension to raise concerns on overlooking. In relation to overshadowing, it is noted that the roof ridge height would be to match the host, be forward of the neighbour's rear elevation and be to the southeast of No. 6 which has the potential to lead to overshadowing most of the year albeit limited to very early mornings on review of the sun path. Given the existing quantum of development impact on overshadowing in No.6's rear garden due to their position, bulk and massing to the conservatory, Officers regard the extension's design to have a property gap and the roof pitched away from the boundary to suitably mitigate against significant additional impact in this regard.

The proposed alterations to the host side elevation windows facing the neighbour would lead to an improved relationship between those properties in terms of overlooking and loss of privacy with a smaller and high level window to the new ensuite. The existing window to now serve the utility room would be replaced however this would not substantially alter the existing relationship with privacy or overlooking over existing.

The new patio would modestly alter the existing relationship between neighbours in terms of overlooking and loss of privacy over and above the existing due to the 0.3m increase in height from the existing raised ground level which would be in line with available Permitted Development restrictions on raised platforms. Whilst the outbuildings close to the boundary and the shared boundary fence could partially screen No. 6 from view, they would not

experience a significant alteration over the existing relationship to the permeable design of the conservatory. In a finely balanced consideration, this minor additional overlooking impact with minimal additional impact on overshadowing and loss of outlook is considered acceptable.

No.s 3 and 5 Templar Drive

The proposed extension would have oblique views of the rear, separated 26-28 metres away from the rear elevations of the properties, and positioned to the south; its design, distance and orientation would serve to prevent any additional overlooking, overshadowing and overbearing impact to these neighbours. Whilst the openings would exceed minimum separation distances set out in the SPD (paragraph 4.10, page 11), the raised patio could have the potential to overlook. There is green boundary screening of a considerable height to the rear adequately screening the properties from view, even if the screening was to be removed, the proposed extent of the platform would still have a separation distance of 22.5-23.8m to the neighbours' rear elevation thus meeting SPD guidelines to prevent unacceptable overlooking or loss of privacy. There are no guidelines on how to prevent unacceptable overlooking of gardens, however given the existing screening providing a mutual benefit to neighbouring properties and being of a height sufficient to limit views from the patio, Officers would recommend that the raised platform would be acceptable on balance.

No. 2

With regard to No. 2, the extension would be positioned with no side windows, a generous property gap to side boundary and assisted by the single-storey garage's bulk and massing screening the extension from having undue overlooking, overshadowing and overbearing impacts.

The alteration to the host side openings would have one solid door, some proposed openings being smaller, of higher height from ground level and one moderately larger over existing, this would face the boundary fence and green screening which would be adjacent to No. 2's single-storey side garage and single-storey rear conservatory. No. 2 is on lower ground to the host and therefore the host has a boundary treatment of sufficient height to aid in adequately screening the neighbour from view. Considering the existing relationship between those neighbours, it is considered that the addition of a solid door and alteration of the adjusted openings would be of neutral impact to the neighbour and would not have significant additional impact in terms of overlooking and loss of privacy.

The neighbour has a garden tapering to the rear with a rear conservatory and a timber fence with trellis on top. This would be moderately close to the maximum permitted height of 2m from their ground level. The patio would have a raised floor level set back from the boundary by ~5.7m and would have a 1.8m height privacy screen preventing views from the patio to this neighbour; this screen can be conditioned to ensure privacy is retained satisfactorily.

The garden land to the east would still be as previous existing level at 0.3m below the patio and lawned. The adjacent neighbouring boundary fence would be ~1.6m height from this level which would retain the existing relationship between neighbours. While it is noted that the previous green boundary treatment has been removed giving greater exposure to the existing ground level height, the proposal includes an indicative privet hedge to try and reinstate this soft landscaping. This hedge would be outside of planning control to require a certain height to be maintained however such planting would improve this relationship between the properties in relation to overlooking.

Given that the ground level adjacent to this boundary would be as existing and lawned with its soft surface being less robust than a patio's hardsurface for extended use, and that the patio would have a privacy screen significantly set away from the boundary, Officers that the proposal would have an acceptable impact on overlooking and loss of privacy on balance whilst avoiding adverse impact on overbearing.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor amenity space with some privacy available to future and present occupiers for privacy and use.

To conclude, the proposal would be in compliance with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3-7 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

4 – Impact on highway safety:

KC seek to ensure that new developments have an acceptable impact on highway safety and to provide sufficient parking for the host to avoid oversubscribed on street parking posing a risk to users of the highway. Bin arrangements have not been set out however there is sufficient indicated space within the plot to have this remain as existing without additional adverse impacts. The proposed development would not adversely affect the existing parking spaces within the site, nor intensify use and therefore would not cause additional harm to highway safety. This would be compliant with Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, and the KC Highway Design Guide SPD.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement has been provided.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building's envelope with positive effect on energy efficiency and thus reduction of carbon emissions.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the rear within a soft surfaced garden therefore this would have no conflict with LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity and Trees

Whilst considering Biodiversity, Key Design Principle 12 –13 of the House Extensions and Alterations SPD in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a well sealed roof and therefore considered unlikely that the proposals would have an impact on the bat population.

It is noted that this is a retrospective application however in normal circumstances, Officers would have added an informative on bats notifying the applicant of their responsibilities to avoid impact on a protected species. In relation to the Key Design Principles, the works were carried with some loss of lawn which would not be considered to have high biodiversity potential. It is noted that trees may have been removed however as previously outlined, those were not considered significant amenity trees warranting protection and as such Officers are unable to take action. The removal of trees alleged to be outside the ownership of the applicant would be their private responsibility to ensure that this was carried out lawfully and with permission of the owner. Given the limited impact on biodiversity for the minor scale of development, should Officers be minded to accept the proposal, this would have been considered to have a neutral impact on biodiversity and vegetation in compliance with KDP 12-13 of the SPD, LP30 and 33 of the Kirklees Local Plan, and Chapter 15 of the NPPF

6 – Representations:

Three representations had been received and addressed in the above report.

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

Application Number: 2023/91225

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, LP28, LP30 & LP33 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 12, 14 & 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The render finish to the front elevation of the host facing the highway 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 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

5. The 1.8m high solid, and/or obscure glazed, privacy screens (to grade 4 level of obscurity) as shown on the hereby approved elevation and floor plan no. AL 02. rev D shall be installed to the east boundary of the raised patio area as shown on that plan, within three months of the date of this permission. The 1.8m high solid and/or obscure glazed privacy screen shall thereafter be retained.

Reason: In the interests of residential amenity and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan, Existing Elevations and Floor Plan and Proposed Block Plan.	Drawing No. AL 01.	B	04/05/2023
Proposed Elevation and Floor Plans.	Drawing No. AL 02.	D	12/07/2023
Climate Change Statement			26/04/2023
Planning Statement	Dated: 24/04/2023		24/04/2023

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. The proposal underwent significant alterations to overcome Officers concerns on residential amenity and was modified sufficiently to reduce its potential effects satisfactorily.

Report Dated: 12/07/2023