

**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:	2023/62/91323/W
Site Address:	42, Benomley Drive, Almondbury, Huddersfield, HD5 8LX
Description:	Demolition of existing rear extension and erection of single storey side and rear extension
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 04-Sep-2023

Officer Report

Site Description

2023/91323 – 42, Benomley Drive, Almondbury, Huddersfield, HD5 8LX

No. 42 is a semi-detached, two storey dwelling with a driveway and a landscaped strip to its front amenity space. It is faced with natural stone, pebbledash render and timber cladding to the front and pebbledash render and red brick to the side and rear. It has a side gable concrete tile roof. The dwelling has a single-storey outrigger which also recently had a single-storey conservatory infill extension, within its garden to the rear. The ground level falls from northwest to north with the property enjoying an elevated position to the highway. The immediate area is of similarly constructed dwellings in a residential area.

Description of Proposal

Demolition of existing rear extension and erection of single storey side and rear extension

It is proposed to demolish the outrigger and conservatory to make way for a side/rear wraparound, single-storey extension. This new extension would be set back 3.5m from the primary elevation of the host. It would appear as a stepped side extension projecting 1.7m from the side (with depth of 1.7m) then a maximum 2.2m projection from the side extending beyond the rear elevation of the host by 4m and at the rear it would be 5.592m width. The rear element would be set away from the shared boundary of the attached neighbour by 0.5m.

It would have a doorway to the front, two narrow windows to the southwest side elevation and bifolds and large window to the rear only. The roof would be pitched with a mix of lean-to and hipped design, with two skylights to the rear roof elevation.

The roof ridge height would be consistently 3.7m for the side and rear elements, and the eaves height would be a range of 2.6m-2.85m from ground level with part of the side extension being the highest.

It would be finished with stone at front, red brick to side and rear and concrete tile to match the host.

This would serve an entrance lobby, W.C, utility, playroom and to extend the kitchen to form a kitchen/diner.

Officer Note: Measurements vary from the plan annotation for roof ridge height and eaves from ground level provided as they follow official Govt. guidance on measurement of height from ground level (not FFL) and how to measure eaves for Permitted Development Rights, i.e., *“from ground level at the base of the outside wall to the point where that wall would meet the upper surface of the roof slope.”*

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to meet LP policies on visual and residential amenity.

Relevant Planning History

2021/91779 – Erection of single and two storey extensions, demolition of existing rear extension and associated alterations.
Conditional Full Permission.

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: 23/06/2023

No representations have been received.

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations.

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 a Bat Alert layer 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 30 – Biodiversity & Geodiversity**

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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g., trees/ecology
- 5) Representations
- 6) 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.

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.

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 single-storey rear and side extensions and states the following parameters to be considered to aid good design as follows:

For single-storey side extensions, (paragraphs 5.15-5.18 on page 28 of the SPD):

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The single-storey side extension would comply with all those requirements

For single-storey rear extensions, (paragraphs 5.1-5.6 on pages 23-24 of the SPD):

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;

Compliant

- Being set behind the original building, and not projecting beyond the sides;

It would be set behind the host and while it would be projecting beyond the sides, the wrap around design would be fully compliant with the design guidance for single-storey side extensions and be considered acceptable.

- Maintaining external access to the rear garden

The rear extension would not block access however it is acknowledged that the side extension element would block access to the garden. It is noted that the extant application no. 2021/91779 had approved a similar arrangement, and it is recommended that this be accepted to be consistent with previous decision making.

- be in keeping with the scale and style of the original house;

The proposal would appear single-storey with a lean-to design at the side and rear, set back considerably from the primary elevation, be in matching materials and would have residential style fenestration so it would appear in keeping with the scale and style of the host.

- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);

Compliant

- not exceed 4 metres in height;

Compliant

- not project out more than 3 metres from the rear wall of the original house for semi-detached houses;

It would project 4m from the rear replacing a single-storey rear extension of 2.8m projection from the rear. It is noted that application no. 2021/91779 approved a single-storey rear extension of 2.7m projection from the rear with a setback of 0.3m from the shared neighbour boundary (northeast). The proposal seeks to reduce this impact by having a set back of 0.5m from the boundary and positioned next to an existing doorway would not appear visually overly obtrusive. Officers recommend that this be acceptable, in this isolated case, on balance. This includes the fact that there are no habitable room windows impacted in the neighbouring property, there is only a door.

- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;

Compliant

- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

It is noted that the extant application no. 2021/91779 had approved a similar arrangement, and it is recommended that this be accepted to be consistent with previous decision making.

Whilst the proposal would introduce a slightly unusual side extension arrangement in the streetscene, a two-storey side extension, with a set back from the primary elevation, had been accepted previously visually closing the gap between properties within application no. 2021/91779. The current proposal seeks to have less impact by having a single-storey design, set back from the primary elevation and matching materials. In addition, the single-storey rear extension would appear in keeping with the existing quantum of development within the streetscene. Overall, the proposal would not substantially affect the streetscene in this regard and would comply with Key Design Principle 1 of the SPD.

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 accord with Policy LP02 and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF

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 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. 40 (north), No. 43 Benomley Crescent (west), No. 15 (east) and No. 44 (south).

With regard to the paired neighbour No. 40, the side extension would be blocked off from No. 40 being screened by the host dwelling and would not contribute to detrimental overbearing, overshadowing or overlooking impact. Turning to the rear extension, the existing would be replaced by a 4m rear extension with a set back of 0.5m from the boundary next to a partially glazed door not a habitable window so there would not be any substantial loss of outlook or significant overshadowing or overbearing impact to openings. In addition there would be no facing windows to cause overlooking or loss of privacy. The proposal would be considered acceptable with no additional overbearing, overshadowing or overlooking impacts to this neighbour.

Considering No. 43, the single-storey extensions would have a separation distance of ~19m to habitable windows, be set to the east and on lower ground to No. 43 facing a rear timber boundary fence and detached outbuildings aiding in screening the neighbouring windows. Whilst the extension would be less than the recommended 21m between facing windows of habitable rooms as set out in paragraph 4.10 of the SPD, this is sufficiently mitigated by the oblique views, and the screening effects of the boundary fence and the outbuildings. The proposal would not contribute to significant overbearing, overshadowing or overlooking impact and/or loss of privacy/outlook.

In relation to No.15 which would be facing the proposed primary elevations of the extension, due to the setback position of the side extension, there would be an adequate separation distance of over 28m which in turn would be

angled away from No. 15's habitable windows and would not be considered to contribute to additional overbearing, overshadowing or overlooking impact as a result.

Considering impact to No. 44, the side extension would bring the host dwelling closer to their shared boundary with two narrow windows facing them; currently there is a door and window facing No. 44's side elevation which in turn has a door and large window facing No. 42's side elevation. The proposed windows would serve a W.C. and utility room, it is considered that it is necessary to have a condition to fit obscure glazing to those windows to prevent overlooking and loss of privacy. The side extension would be set back considerably from the primary elevation and set down rooflines which would not risk terracing or detrimental overbearing impact. As the extensions would be positioned to the northeast, their orientation would not lead to detrimental overshadowing impact. Although it projects further than the previous permission, it is now single storey only.

Future Occupiers

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

The proposal would therefore be in general conformance with LP24b and the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Turning to highway safety, the Highways Design Guide advises that residential developments should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. For a 2-3 bedroom dwelling, it should have a minimum of 2 off street parking spaces. The proposal has two existing off street parking spaces unaffected by the development and does not seek to intensify occupancy through addition of more bedrooms. Bin arrangements will remain as existing within the driveway.

The proposed development would therefore not adversely affect the existing parking spaces within the site, would have a neutral impact on visual amenity, 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, KC Highway Design Guide SPD and Chapter 9 of the NPPF.

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. 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, and the increased daylighting through rooflights, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.

Biodiversity

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

The proposed works would take place in existing areas of hard standing and would not remove soft landscaping, as such it would have a neutral impact on the natural environment.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had been received.

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: 2023/91323

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 and LP30 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, 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.

Reason: In the interests of visual amenity and to accord with Policy LP02 and 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 W.C and utility room window in the northwest side elevation, shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and

Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) these windows shall thereafter be so retained fitted with obscure glass.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy or overlooking and to accord with policies LP24b of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

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: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Existing Floor and Elevation Plans.	Drawing No. 2023-004-(20)001.	Unamended.	15/05/2023
Proposed Block, Elevation and Floor Plans.	Drawing No. 2023-004-(20)002.	A	24/08/2023
Climate Change Statement	-	Original	05/05/2023

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 case officer undertook negotiations with the agent to secure amended plans to ensure the scheme minimised the impact on residential amenity.

Report Dated: 01/09/2023

