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:	**2023/62/91478/W**
Site Address:	29, South Avenue, Fartown, Huddersfield, HD2 1BY
Description:	Erection of single storey rear extension and porch to side elevation with accessible ramp
Recommending Officer:	Luke Walstow

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: 24-Jul-2023

OFFICER REPORT

Application Reference: 2023/91478

Site: 29, South Avenue, Fartown, Huddersfield, HD2 1BY

Site Description

The application refers to 29 South Avenue, a semi-detached dwelling located within the residential area of Fartown, Huddersfield. The dwelling is constructed from red brick, with dwellings along the street being constructed from similar materials and being similar in design and scale. The dwelling benefits from parking to the front of the site and a private garden located to the rear.

Description of Development

The applicant is seeking planning permission for the erection of single storey rear extension and porch to side elevation with accessible ramp. The extensions would be constructed from red brick work which would match the host dwelling. Additionally, it is proposed that the roof tiles to be used in the construction of the extension would also match the host dwelling. The access ramp would be constructed from concrete and be located to the side of the dwelling. The rear extension would be used as a living room with the side extension acting as a porch entrance from the new access ramp.

Single storey rear extension dimensions

Projection: 4.47 metres
Width: 4.39 metres
Height: 2.47 metres to eaves, 3.5 metres total height.

Side extension dimensions

Length: 2.22 metres
Width: 0.75 metres
Height: 2.6 metres to the eaves, 3.62 metres in total height

Access Ramp

Length: 6.77 metres
Width: 1.12 metres

History of negotiations/amendments sought

Amendments were initially sought to reduce the projection of the rear extension and set it in to align with the host dwelling side wall. Whilst such amendments would improve the design of the scheme officers have deemed the proposal on submission to be acceptable on the basis of the adjoining neighbours rear

extension, and scale of the proposal. This is discussed in more detail in the 'Assessment' section of this report.

Planning History

There is no planning history for the site

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 30th June 2023 – no representations received.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

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 in the adopted Kirklees Local Plan

Kirklees Local Plan

- **LP 1 –** Achieving Sustainable Development
- **LP 2 –** Place Shaping
- **LP 21 –** Highway Safety
- **LP 22 –** Parking Provision
- **LP 24 –** Design
- **LP 30 –** Biodiversity and Geodiversity
- **LP 51 –** Protection and Improvement of Local Air Quality

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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 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 KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

In this case, the principle of the rear extensions could be acceptable, subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and "c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations.

<u>Single Storey Rear Extension</u>

Sections 5.5 and 5.6 of the SPD provides advice on single storey rear extensions:

5.5 Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours

5.6 Single storey extensions 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 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties.*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters, a*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The proposed rear extension would be constructed with red brick which would match the original dwelling and therefore keep with the style of the original house. Whilst the rear extension is large, it does not cover more than half of the area around the original house. With a maximum height of 3.5 metres, the extension would be within SPD guidelines.

The guidance states that extensions for semi-detached dwellings should not exceed 3 metres. This extension has a projection of 4.47 metres from the rear wall. Whilst this is a significantly large projection and differs from SPD guidelines, a site visit confirmed to officers that the neighbouring dwelling has a large two-storey rear extension. Should the extension be granted permission, it would act as a fill in extension, with only a small section of the first extension projecting beyond the neighbouring extension.

This leads to the conclusion the projection length of the extension is justified in this case as the extension would not have the negative bulking impact as its projection and size would be off set from the boundary with no.27 and adjacent to the blank elevation of an extension to the rear of no.31.

The rear extension projects beyond the side wall, which although it would be preferred that it aligned with the side elevation, can be accepted due to the separation distance of 1.25 metres from the neighbouring boundary. The eaves are below 2.5 metres which is SPD compliant for an extension with a projection over 3 metres. The extension would be within 1 metre of the neighbouring dwelling to the west, but due to the large projection of neighbouring dwelling, the separation distance is not considered to be a significant issue. The separation distance to the boundary to the east is over 1 metre which is considered to be acceptable.

The projection beyond the side elevation is considered to be acceptable in this case on the basis it would be set well back form the street and not easily visible. Whilst it would be a preferred design to align with the side elevation the applicant confirmed they wished for the application to be determined as submitted and it is considered that, on balance, refusal on grounds of impact upon visual amenity as a result of this projection could not be substantiated in this case.

This element of the proposal is therefore concluded, on balance, to be acceptable.

<u>Single Storey Side Extension</u>

Section 5.17 of the SPD provides guidance specifically for single storey side extensions and is stated below:

5.17 Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

- *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 side extension has a small width of 0.75 metres and therefore would not extend more than two thirds of the width of the original house. The total height of the extension would be 3.62 metres, thus being under the 4-metre guidance height. The side extension would be set back 3.5 metres from the front wall elevation, which results in the extension being well set back to allow a visual break. The side extension would be constructed from similar materials as the rear single storey rear extension in order to match with the host dwelling. The extension would provide access to the original dwelling from the proposed access ramp. The side extension is considered to be acceptable.

Access Ramp

The proposed access ramp would run from the front of the dwelling down the side and link to the proposed side extension. The ramp would be constructed from concrete. It is considered the visual impact of the ramp would be minimal when compared against the dwelling and the street scene and is therefore considered to be acceptable.

It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

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."

Further to this, 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.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that*: "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."*

- Principle 4 – 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."*

- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."*

- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

- Principle 7 – that*: "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."*

Impact on 31 South Avenue

31 South Avenue is a semi-detached dwelling adjoined to the host dwelling of the application site to the west. This neighbour has benefited from a two-storey rear extension approved under planning permission 2012/92360. This extension is on the boundary and extends beyond the existing conservatory within the application site.

There are no windows within the side walls of the proposed rear extension, meaning that there would be no impact to the outlook of this neighbour. Additionally, there are no windows within the proposed rear extensions side elevation facing onto this neighbour, meaning there would be no significant impact upon to privacy. Due to the neighbouring rear extension, the proposed single storey extension would only project slightly further out, thus not significantly harming the natural light received by this neighbour. The side extension would not impact this neighbour due to its positioning on the other side of the dwelling.

Impact on 27 South Avenue

27 South Avenue is a semi-detached dwelling located to the east of the application site. The proposed side extension would face the side wall of this neighbouring dwelling. Given there is only a side entrance door on this elevation and no windows, it is unlikely privacy and natural light received would be impacted by the side extension. The rear extension would have a separation distance of 1.25 metres to the boundary. With the separation distance and the height of the rear extension being within SPD guidelines, it is considered it would not have a significant impact in relation to being overbearing or leading to overshadowing of this neighbour. There are no proposed windows within the

side elevation facing towards this neighbour, which would maintain existing privacy levels.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Although the extensions would utilise outdoors space, it is considered the remaining outdoor area is large enough to satisfy the needs of current and potential future occupants.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Given the nature of the proposals being a single storey rear and single storey side extension with an access ramp, no changes are proposed to the existing access or parking arrangements. Officers note that an additional bedroom would be created, taking the number of bedrooms within the dwelling to 3. This does not increase the requirement for more parking spaces as specified within the councils adopted SPD, therefore the existing off street parking arrangements is concluded to be acceptable..

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

<u>Climate Change</u>

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 predates 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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A climate change statement has been produced which states the development does not represent any harm to the local environment in relation to climate change.

Biodiversity

Principle 12 of the 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.” Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

6 – Representations:

None 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2023/91478

Officer Recommendation: Conditionally 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 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 of the Kirklees Local Plan, 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 extensions hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, 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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Elevations as Existing	23D03-FBA-ZZ-XX-DR-A-2101	P01	19 May 2023
Floor Plans as Existing	23D03-FBA-ZZ-XX-DR-A-2001	P01	19 May 2023
Site Layout Plan as Existing and Location Plan	23D03-FBA-ZZ-XX-DR-A-0101	P01	19 May 2023
Elevations as Proposed	23D03-FBA-ZZ-XX-DR-A-2102	P02	26 May 2023
Floor Plans as Proposed	23D03-FBA-ZZ-XX-DR-A-2002	P03	19 May 2023
Site Layout Plan as Proposed	23D03-FBA-ZZ-XX-DR-A-0101	P01	19 May 2023

Climate Change Statement			26 May 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 21/07/2023

Coal – Low