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:	**2023/62/91583/W**
Site Address:	13, Foxglove Road, Almondbury, Huddersfield, HD5 8LW
Description:	Erection of two storey rear extension, alterations to integral garage to extend living accommodation, part rendering of existing dwelling, insertion of roof lights and erection of detached garage with games room in roofspace.
Recommending Officer:	Laura Yeadon

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: 22-Sep-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91583

Site Description

13 Foxglove Road is a large, 4 bedroom, detached property located within an area without notation on the Kirklees Local Plan. The property is set up from the roadside, separated by a large forecourt area. The property is constructed from red brick with a grey slate roof. To the rear of the property is a single storey conservatory and a detached garage to the side. There is a large garden area to the rear which slopes upwards towards the rear boundary. Beyond the rear boundary is an area of Council owned woodland. There are dwellings on both sides of Foxglove Road which are predominantly detached and within modest sized curtilages and vary in terms of style, design and construction materials.

Description of Proposal

The application is for the erection of a two storey extension, alterations to the integral garage to extend living accommodation, part rendering of the existing dwelling, insertion of roof lights and detached garage with games room in roof space.

Two storey extension

The proposed two storey extension would replace the existing conservatory to the rear of the property. the extension would lie flush with the south side elevation of the property and would project 4.8 metres from the rear elevation of the property and would be part width at a width of 4.8 metres, set in from the north elevation by 5.3 metres. The eaves height would match the existing with the roof ridge set down from the existing ridge by 1.1 metre.

It is proposed that the extension would be finished in K-Rend Limestone White with a roof material to match the existing. Openings are proposed within the east (southern) elevation and also within the north (side) elevation of the extension.

Alterations to existing garage

It is proposed that the existing integral garage would be converted to create an office and store room. The garage provision would be lost as a result of the works however the garage door opening would be retained.

Part rendering of existing dwelling

It is proposed that along with the proposed extension being finished in render that render is introduced to the front (west) elevation of the property. It is proposed that the bay windows would be rendered. In addition, the entrance area would also be rendered to both ground and first floor with a small pitched

roof added to the existing roof form. The sides of the bay window and entrance elevation would also be rendered.

Roof lights

It is proposed that roof lights would be installed within the front (west) and rear (east) elevations of the existing roof slope. As the property benefits from full permitted development rights, these elements of the scheme do not require planning permission.

Detached garage and games room

It is proposed that the existing garage would be removed and replaced with a larger garage. To facilitate access to the garage, the existing driveway would be extended. The garage would be constructed from brick with a concrete tiled roof being a width of 6.6 metres and depth of 8.6 metres. The eaves height would be 2.4 metres with an overall height of 5.1 metres.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

None

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 14th July 2023 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None 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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

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

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

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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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
5) Representations

6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

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

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

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

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

- Principle 1 – that "extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."

- Principle 2 – that "extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail."

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

- 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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of rear extension, these should:

Rear extensions:

Section 5.6 of the SPD specifically refers to single storey rear extension which 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; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

2- storey rear extensions

In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes onto refer to Two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;

- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

Outbuildings

With specific regard to outbuidings which include domestic garages, section 5.30 of the adopted SPD states that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

The above listed policies are taken into account within the following assessment.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

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

The property is a detached building and the design of the proposed extension is such that it would be located to the rear elevation of the property with the extension being part width with the roof line set down from the existing resulting in an subservient structure. The submitted proposed block plan also demonstrates that as a result of the proposed works that there would be ample remaining amenity space for the property. Whilst it is noted that the projection of the extension would exceed the requirements of the SPD, the submitted block plan is clear in that the established separation distance between the site and the neighbour to the south would not be reduced and there is a good level space between the properties so not cause harm to the visual amenity of the area.

In terms of the proposed garage, this would be located to the side of the dwelling and would replace the existing structure and is slightly larger than the recommended 6m x 6m required for a double garage within Manual for Streets. However, it would be a subservient structure which would allow for a games room to be located in the roof space. It would be set back from the building line of the property and would also preserve over 50% of the garden area and therefore complying with the SPD in this respect.

Whilst the structure would be adjacent to the shared boundary, it is not considered that this would compromise the visual amenity of the street scene and therefore would comply with Key Design Principles 1 and 2 of the SPD and Policy LP24 of the Kirklees Local Plan along with guidance within the NPPF.

With regards to the changes to the materials of the existing dwelling, it is proposed that the bay window and entrance elevation is finished in Limestone White K-Rend. The street scene is comprised of a variety of construction materials with the new dwelling adjacent to the application site finished in a white render. As such, there are minimal concerns regarding the introduction of this material to the property.

Whilst the proposal would alter the character and appearance of the host property, weight is afforded the street scene in this particular case. The large detached garage could, in other circumstances, be a overly dominant size and scale. Similarly, the addition of render to the principle elevation would significantly alter the character of the building from its original design principles.

However, there is a very varied style and design of houses within the street, the host property appears to be a stand alone house type. The introduction of a gable feature and gable roof extension to a hipped roof designed building has potential to lead to an out of character and incongruous appearance. In this case though weight is afforded the fact gable features are to properties in the locality and the character of the property is being amended through the application of render, and the gable features would read as part of this element of the design.

In addition the gable feature to rear would not be prominent and the gable feature to the front is small and set well down within the front roof slope.

On balance, whilst such works to the property could be considered to be out of character with the host property / wider street scene in other circumstances it is concluded that the proposal would meet the requirements of the aforementioned policies in this case given it would be within such a varied street scene, the very modern design of the property immediately adjacent to the site and the size / scale of the plot in relation to the large detached garage.

It is therefore concluded that the works, whilst large in cumulation, would be visually acceptable and meet the requirements of policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF having regard to the Council’s adopted House Extensions and Alterations SPD.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of residential amenity and the proposed two storey rear extension, the proposed openings would be within the rear elevation facing the garden area and within the side elevation, at ground floor level, which faces across the original rear elevation of the property. There is also minor alterations to the existing fenestration which would be at ground floor level and would therefore not require planning permission.

Due to there being no residential properties directly to the rear of the property, there are minimal concerns regarding overlooking from the proposed large openings.

Whilst the size and scale of the rear extension is substantial, the site is located within spacious grounds and is of such a distance from neighbouring occupiers that it would not have an unacceptable impact by being overbearing or leading to an oppressive impact.

In terms of the garage openings, there would be a garage door and a first floor window within the west elevation with a door, window opening and roof lights within the side elevation facing into the garden area.

Therefore, in terms of overlooking, the proposal is considered to be acceptable.

In terms of overshadowing and/or being overbearing, the extension would be set in from the shared boundary with No. 15 by approximately 7 metres and from the property itself by approximately 15 metres which is considered to be acceptable in this case. A sense of space would be retained around the building so as not to compromise amenity.

Whist the garage structure would be taller than a standard garage to allow for first floor ancillary accommodation and located adjacent to the boundary line, as it would be to the north of the neighbouring property, it is not considered that this would cause significant harm to residential amenity,

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this instance, it is not considered that the 45 degree line would be cut. This is due to the siting of the proposed works and the orientation in relation to the neighbouring properties.

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

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there is a large forecourt to the front of the property and whilst the garage accommodation would be lost due to the conversion, a detached garage would be constructed which would accommodate 2 no. vehicles. As such, the minimum required 3 off-street parking spaces would be achieved.

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

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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

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

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

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

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

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

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

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

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2023/91583

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The roofing materials of the extension and the walls and roof of the detached garage 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing floor plans	2234-0101-P01		6th June 2023
Existing elevations	2234-0102-P01		6th June 2023
Proposed block plan, and floor plans	2234-0301-P02		6th June 2023
Proposed elevations	2234-0302-P02		6th June 2023
Proposed garage elevations and floor plans	2234-0303-P01		6th June 2023
Climate Change Statement	Appendix A		6th June 2023
Render details	K-Rend		7th June 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 20th September 2023

Coal – low