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:	**2023/62/91625/W**
Site Address:	101, Briarlyn Road, Birchencliffe, Huddersfield, HD3 3NW
Description:	Erection of single storey garage extension
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL PLANNING 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-Sep-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91625

Site Description

101 Briarlyn Road is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from red brick and stone cladding to the ground floor with render at first floor. To the side of the property an area for parking and there is a lawned garden to the rear. The property has recently been extended via a first floor extension which projects forward of the front elevation of the building.

Description of Proposal

The application is for the erection of a single storey garage extension.

The application has been submitted following the recent refusal of planning permission under 2023/90565. The reason for refusal was the following:

1. *The proposed extension, by virtue of its size, scale and design, would be not be subservient in relation to the host property and would be of an incongruous appearance which fails to harmonise with the character of the host property and wider street scene contrary to policies LP1, LP2 and LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 and paragraphs 4.5, 5.17, 5.19, 5.20 and 5.23 of the Council's adopted House Extensions and Alterations SPD, and paragraph 130 of the National Planning Policy Framework.*

The application has been submitted to address and overcome the above.

The measurements of the proposal are as follows:

- 5.87m in projection to the side
- 7.1m in depth
- 3.1m in overall height

The proposed extension, as with the previous application, would follow the boundary line of the site and therefore tapers in width towards to the rear of the garage.

The proposed extension would be built from materials to match the host property using facing brickwork for the walls. The proposed flat roof would be constructed from grey GRP liner of single membrane roof system or a single ply Sika system.

The revised application has been submitted with a covering letter from the Agent stating that to address the concerns with the previous application the width of the extension has been reduced from 6.33m to 5.87m (2/3 of the width of the host dwelling) with the height of the eaves reduced to 2.7 metres and the width of the garage door has been reduced from 5 metres to 3 metres.

The letter goes on to state that the SPD refers to the word 'normally' rather than 'must' or 'should' and that there is flexibility within the policy which is constant with planning/development management with the assessment of each application being on its own merits.

It also states that it is clear that the existing dwellings around the site have side extensions that are flush with the main front elevation and it is an established design feature of the dwellings within the street scene. The Agent states that they consider that a narrower extension with a smaller garage door and reduced height addresses the previous concerns/reason for refusal. As such, they contend that the proposed extension with a flush extension is consistent with the design and appearance of existing dwellings surrounding the site and therefore there are no reasonable planning grounds to refuse the revised application.

The application shall be assessed taking into account the supporting information contained within the covering letter as this is a material consideration in the determination of the application.

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

2020/90430 Erection of first floor side extension
Conditional Full Permission

2023/90565 Erection of single storey garage extension
Refused

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
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- 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 4 – Decision-making
- Chapter 14 – Meeting the challenge of climate change, flooding & 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
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 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 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 side extensions, the SPD states:

In Section 5.17 of the SPD refers to the general rules, where single storey side extension 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 above listed policies and guidance within the House Extensions and Alterations PD are taken into account within the 'Impact on visual amenity' and 'impact on residential amenity' sections of this report.

The published SPD indicates how the Council will usually interpret its policies regarding the built development with the general thrust of the advice aligned with both the Kirklees Local Plan and National Planning Policy Framework, requiring development be considerate in terms of the character of the host property and the wider street scene. In addition, the National Planning Policy Framework was updated in 2021 which further emphasised good design.

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:

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.

Paragraph 4.5 of the SPD relates to the impact a scheme has specifically on the original house it explains that proposal should normally be smaller in scale than the original property and set back from the existing building line. It goes on to explain under paragraph 4.6 that where extensions seek to differ from the existing design and roof pitch (amongst other things) that proposals will be considered on a case by case basis.

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

In this instance, the extension would have a height that would be set lower than the height of the original house by virtue of being single storey.

The proposal has been amended from its original scheme and has been reduced in width with a decrease in the size of the garage door. It is cited within the covering letter that the eaves have been reduced in size however these appear to be similar to those previously assessed. That being said, the amendments to reduce the width to not being more than 2/3 of the width of the original property and the reduction in the size of the garage door reduces the horizontal emphasis of the proposal and therefore has overcome the concerns with reference to the SPD in terms of projection.

Concerns were raised as part of the previous application that due the prominent position of the proposed extension that the this would neither respect or complement the character of the host dwelling, taking into account the additions to the property which have already been undertaken. It was considered that the previous scheme would result in a contrived structure due to its overall impact which would have elongated the property to be the full width of the plot resulting in a structure which would not constitute a subservient design which was contrary to Key Design Principle 2 of the SPD.

In terms of this resubmission, as part of the covering letter containing justification of the revised design, Officers agree with the Agent that there are other structures within the street scene which are flat roof designed and at single storey level, notably the attached neighbouring dwelling and the dwellings along Briarlyn Avenue. Taking these into consideration, alongside the changes to the proposed as part of the revised scheme, that the previous concerns are considered to have been overcome as part of this submission to such a degree as refusal of permission could not be substantiated in this case.

The proposed materials construction are to be brickwork for the walls with single ply flat roof system which is considered to be appropriate and therefore complying with Key Design Principles 1, 2 and 9 of the SPD.

Therefore, the extension is considered to relate satisfactorily to the host building and would have an acceptable impact on visual amenity and would accord with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan nor complying with Key Design Principle 2 the Supplementary Planning Document on House Extensions (SPD), sub-paragraph 5.17 of the SPD and policies within Chapter 12 of the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

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. Key Design Principle 7 is also of relevance, requiring a usable amenity space to be retained.

Paragraph 130 of the NPPF requires that planning decision ensure developments create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

The property has been previously extended via a first floor extension. It was highlighted within the previous assessment that the level of remaining amenity space following the construction of the proposed extension would be adequate and would not be reduced by 50% as required within the SPD. As the projection of the extension to the side of the property has been reduced from the previous submission, it is not considered that the amenity space would be significantly compromised as a result of the proposed works.

In terms of the impact of the proposed works on neighbouring properties, this has already been assessed in detail within the previous officer report and it was considered that the impact of the works would have an acceptable impact in terms of residential amenity and there would be no significant harm in terms of overshadowing, overbearing or by overlooking. As there are no significant alterations to the siting of the structure or the proposed openings, it is not considered that a full assessment is required in this instance.

It is therefore considered that the proposal would accord with the aims of Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD 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, and with the previous assessment, the existing garage falls short of that recommended within Manual for Streets which states that internal space for garage provision should be 3m x 6m. There would be one space provided within the proposed extension and one space to the front of the garage could

be created. As such as it is considered that the highway safety impact, and provision of parking, would be acceptable and the proposal complies with Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the SPD.

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.

The Agent has confirmed that the materials would be sourced at local level and low energy lighting shall be used. This information is contained within the submitted Climate Change Statement.

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. This is due to the fact the extension would have no impact on the existing roof structure of the host property as the proposal is single storey

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: 2023/91625

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, LP30 and LP51 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 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, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the extension 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 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 bats 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, block plan, existing and proposed elevations and floor plans	DL900 – 01 A		2nd June 2023
Climate Change Statement	Appendix A		2nd June 2023
Covering letter	Alistair Flatman Planning		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:	13th September 2023

Coal – low