

**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:	2023/62/91823/W
Site Address:	24, Ivy Street, Crosland Moor, Huddersfield, HD4 5RB
Description:	Erection of two storey extension and rear dormer
Recommending Officer:	Tom Hunt

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 06-Sep-2023

Officer Report

Site Description

2023/91823 – 24, Ivy Street, Crosland Moor, Huddersfield, HD4 5RB

The application site relates to an end terraced, two-storey dwellinghouse, partially faced with render and stone to the primary elevation and render to the side and rear with a side gable roof. There is a small front amenity space and a rear garden with access path to the side. The land at rear falls from southwest to northeast and the property appears to have an understorey with patio at the rear. It is within a residential area with varying types of extensions to the rear.

Description of Proposal

Erection of two storey extension and rear dormer

All figures are in metres and approximate.

Permission is sought for a two-storey flat roofed rear extension projecting 3m from the rear and 4.4m width. The height would be approximately 6.1m from the hard surfaced patio and appearing to be 6.9m height when viewed from the rear. It would have external steps serving a side elevation partially glazed doorway entrance and have fenestration restricted to the rear only similarly matching the host's own fenestration. This would be faced in render. This would serve to relocate the kitchen to be within the ground floor and to extend an existing bedroom at first floor. The host would have its existing kitchen converted to a dining room at ground floor, and reconfigured first floor removing a bedroom for a stairway and relocating a bathroom.

In addition, it is proposed to have a centrally located, flat roofed, rear dormer to the roof of the host which would be set in from all roof boundaries:

- 0.35m from eaves
- 0.6m from ridge
- 0.9m from the flank boundaries

It would have openings to the rear only. No material details have been supplied for the dormer however appears to be horizontal cladding material. This would serve a bedroom and storage area within the attic.

A new window would be added to the ground floor at the flank elevation of the host.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

2023/90416 – Erection of two storey extension and rear dormer. Refused.

Reasons for refusal:

1. The proposed rear extension by reason of its design, scale and massing would not be of a subservient design and would appear as an incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the wider area. The proposal is therefore contrary to Policy LP24(a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, by virtue of its scale, design and siting in relation to the shared boundary to No. 22 Ivy Street, would have a detrimental effect on these neighbouring occupiers by forming an overly overbearing and oppressive impact. Therefore, the proposal would fail to retain a high standard of amenity for the occupiers of this neighbouring dwelling contrary to Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 4 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

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: 31/07/2023

Two representations have been received; a summary of the comments received is set out below:

- Overbearing and loss of outlook – view from bedroom and kitchen window will be affected
- Overshadowing/loss of light – light will be blocked out
- Overdevelopment/over-crowding of site, visual impact on street

Officer Note: Those planning considerations will be assessed in Visual and Residential amenity sections as follows.

- Limited parking for works

Officer Note: Parking availability for vehicles required for the construction of the proposal is considered to be a matter which can be afforded limited weight in this case, given the scale of the proposed development.

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.

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. This is achieved via making available a pre-application service and providing detailed design guidance within the House Extensions and Alterations SPD's Key Design Principles.

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 addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design.

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:

- KDP 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.”*
- KDP 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 other key designs principles for consideration are:

- 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of the proposed works the SPD states the following:

2- storey rear extensions

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

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain 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.

In relation to two-storey rear extensions, section 5.8 advises that 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;
- 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

Dormers

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, dormer windows should:

- Relate to the appearance of the house and existing roof;
- Be designed in style and materials similar to the appearance of the existing house and roof;
- Not dominate the roof or project above the ridge of the house;
- Be set below the ridgeline of the existing roof and within the roof plane; and
- Be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

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 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”*.

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.

In terms of the rear extension's compliance with the SPD, the proposed rear extension would project a compliant 3m from the rear, would not protrude beyond the flank elevation, would be set 1.5m away from the shared boundary to its attached neighbour and would leave a proportionate garden remaining with external access retained if this proposal was undertaken. The proposed flat roof form would fail to visually integrate the extension to the host's own pitch roof appearing as an alien feature however there are considered to be a number of factors applicable in this case which are taken into account in the consideration of this proposal.

The reduction in the width of the extension across the rear of the host property has reduced the extent of the proposed built form and coupled with the siting to the rear, and adjacent to a large addition to the rear of no.26, it is

considered the proposal is of lesser prominence and has a less incongruous appearance than the previously refused scheme.

The addition to the rear of no.26 ensures the prominence of the addition to the rear of no.24 is not significant (given its reduced scale) and it is considered that in this case the refusal of the revised scheme could not be substantiated. Notwithstanding this conclusion, it is considered that in other circumstances / a differing context, a flat roof two storey addition may not be an acceptable design.

In terms of the proposed dormer extension, this would be located within the rear elevation roof slope set in from all roof boundaries. The proposed dormer would maintain the existing roof height at the ridge and eaves and achieve some limited form of subservience to the rear roof elevation. It is proposed that the dormer would be finished with horizontal cladding to the face and cheeks, subject to a condition attached to have this similarly matching in colour to the host roof materials, this could assist in a harmonious design.

There is an existing large flat roofed front dormer, within No. 51 William Street and no others in the locality. The proposed dormer would not be aligned with the existing one due to its design. The proposed dormer would introduce a feature within its roof slope that is uncommon in the street scene and therefore would have an impact on visual amenity in terms of Key Design Principle 1 of the SPD. Both the host terraced row and neighbouring terraced row do not typically contain such large roof extensions and therefore would be contrary to Key Design Principle 1; that is, not being in keeping with the character and appearance of the locality. Notwithstanding this, the property hosts full Permitted Development Rights and could therefore construct a rear elevation dormer, subject to conditions, without the requirement of planning permission. As such, whilst the dormer would disrupt the uniformity of the terraced row, there is a realistic fall-back position and therefore, it is proposed that the dormer extension is acceptable. The fallback position could be more harmful as it would allow a dormer of slightly larger proportions.

In addition, it seeks to harmonise the rear extension with its proposed construction materials to similarly match the host property at front; it is noted that the application of render to a painted blockwork elevation at the rear would appear as an improved finish to the existing which is considered to comply with Key Design Principle 9 of the SPD and Policy LP24 of the Kirklees Local Plan.

The addition of an external staircase to the rear and window to the ground floor of the host would be of low visual impact and be acceptable within the streetscene.

Whilst the proposal may be glimpsed from William Street, this would not significantly affect the streetscene nor would now appear out of keeping with existing half span two-storey rear extensions in the locality. This would be compliant with Key Design Principle 1 of the SPD. The proposed would also retain an adequate rear garden area to avoid the impression of overdevelopment within its plot.

Subject to a condition on the dormer materials, 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 and the Key Design

Principles 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 closest properties to be affected by the development are No. 26 Ivy Street (northwest) and No. 22 Ivy Street (southwest).

No. 26

The proposal to have a new side elevation window to the ground floor would be partially screened by green vegetation and would face No. 26's blank neighbouring elevation. Overall, the development would not introduce further windows to the flanks and would raise no concerns in relation to overlooking or loss of privacy. The proposed rear and dormer extension would protrude past the rear elevation of the neighbour and be to the southeast of No. 26's own ground floor rear extension which has a partially glazed door facing the site; the sunpath demonstrates that there would be very restricted overshadowing to the door and the rear elevation of the host and therefore acceptable. The separation distance between properties would mainly be ~3.9m with no side elevation windows affected which would mitigate its potential overbearing impacts and the loss of outlook from the partially glazed door to the neighbour would be very restricted. The proposal would be reasonably compliant with the KDPs relating to residential amenity in this regard given the proposed development.

No. 22

The design of the rear extension now benefits from a 1.5m property boundary separation distance to the shared boundary which would achieve an adequate 45° field of outlook to both windows as a result. This would avoid any unacceptable overbearing or loss of outlook to the neighbour and would comply with specific guidance in Key Design Principle 5 of the SPD. Due to the position of the proposed extensions to the neighbour, there would not be unreasonable detrimental impact on overshadowing. Due to there being no proposed flank windows and only a partially glazed doorway to the side elevation, the proposal would have no additional significant overlooking or loss of privacy. Considering the separation distance to boundary and the very restricted oblique views available, in this instance, a condition to have obscure glazing to the partially glazed doors is not considered to be reasonable given it would serve an access door. The raised external steps adjacent to the neighbour are of very limited, useable footprint and would not raise significant concerns over additional overlooking or loss of privacy given they do not extend out far into the rear amenity space and would not lead to the creation of a large raised platform.

The previous reason for refusal (reason no.2) of application 2023/90416 is considered to have been overcome as a result of the red design of the scheme the subject of this application which re sited the massing and bulk of the extension further from the shared boundary.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

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, Policies LP21 and 22 of the Local Plan and KDP 15 – 16 of the 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Design Guide advises that proposals should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is

limited. The property has no dedicated off street parking and is unable to supply any due to site constraints. For a 2-3 bedroom dwelling it should have a minimum of 2 off street parking spaces but is unable to reasonably supply those. On street parking is at a premium. This is mitigated by the property's proximity to Crosland Moor Local Centre and close sustainable public transport links. The proposal would not substantially change the existing parking arrangements with the reconfiguration of bedrooms to still be 3 bedrooms within the property while being supported by car free access to nearby facilities, goods, services and amenities. While no bin arrangements have been set out, the site plan indicates that there is sufficient remaining space and external access to the garden to have the bin arrangements remain as existing. The proposal would not cause additional harm to highway safety and would be compliant with LP21 and LP22 of the Kirklees Local Plan, KDP 15-16 of the House Extensions and Alterations 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. A Climate Change Statement had been supplied raising the possibility of triple glazed windows, smart meter installation, efficient white goods, water efficient sanitary ware and central heating installation. In addition, the potential for solar panel installation on the southwest facing roof slope is said to remain unaltered for future flexibility. Materials would be procured locally with local labour supported. Those interventions largely remain out of the scope of planning to control however are noted seeking to retain some flexibility for current and future occupants. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building's envelope to improve energy efficiency and would contribute positively towards carbon reduction.

Biodiversity

Whilst considering Biodiversity and sited within a Bat and Swift roosting/nesting layer, KDP 12 –13 of the adopted 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to a well-sealed roof upon examination 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:

Two representations had been received and considered within the relevant sections.

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: 2023/91823

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 and LP24 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 and 14 of the National Planning Policy Framework

3. The external wall materials of the two-storey extension hereby approved shall in all respects similarly 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The external dormer cladding materials hereby approved shall match in colour the tiles used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

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.	Drawing No. 0028-001-NM.	Unamended	20/06/2023
Proposed Block Plan.	Drawing No. 0028-002-NM.	B	20/06/2023
Existing Elevation Plans.	Drawing No. 0028-200-NM.	A	20/06/2023
Existing and Proposed Floor and Roof Plans.	Drawing No. 0028-100-NM.	B	20/06/2023
Proposed Elevation Plans.	Drawing No. 0028-201-NM.	A	20/06/2023
Climate Change Statement	24 Ivy Street climate-change- statement- template complete	Original	20/06/2023

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 considered the

application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated:

04/09/2023