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:	**2023/62/91935/W**
Site Address:	2, Kirk Lea Crescent, Lindley, Huddersfield, HD3 3HF
Description:	Demolition of existing garage and erection of two storey side extension, new porch and associated alterations
Recommending Officer:	Lucy Taylor

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: 26-Sep-2023

Officer Report.

Reference: 2023/91935

Location: 2, Kirk Lea Crescent, Lindley, Huddersfield, HD3 3HF

Proposal: Demolition of existing garage and erection of two storey side extension, new porch and associated alterations

Site Description.

2 Kirk Lea Crescent is a two-storey detached property located in Lindley, Huddersfield. The property occupies a corner plot on the junction between the highways of Occupation Road and Kirk Lea Crescent. The property is faced in brick with a gable roofing form above infilled with concrete interlocking tiles. Within the wider curtilage, the property benefits from outdoor amenity space to the front and rear, with on-site parking amenity space available to the driveway.

The property is located within a residential area, where there is a mix of property types established.

Description of Proposal.

Planning permission is sought for the demolition of the existing garage, the erection of a two-storey side extension, a new porch and associated alterations.

The existing attached garage to the northern side of 2 Kirk Lea Crescent would be replaced by a two-storey side extension. This two-storey side extension would have the following dimensions:

- Projection – 3.6 metres
- Length – 8.4 metres
- Height – 7 metres

Beyond the rear elevation of the two-storey side extension, a single storey lean-to extension would be erected to the following dimensions:

- Projection – 2.15 metres
- Width – 3 metres
- Height – 3.8 metres

The proposed front porch would have the following dimensions:

- Projection – 0.9 metres
- Width – 3 metres
- Height – 3.65 metres

The extensions would be faced in matching brickwork and the new roofs would be infilled with concrete tiles.

New fenestration details would include windows and access doors.

A built-in bat nesting box is proposed to the front elevation of the two-storey side extension.

History of Negotiations/Amendments Submitted.

For reasons of visual amenity, the case officer recommended that amended plans be submitted showing the extensions to be faced in materials that match those to the exterior walls of the host property.

In response, the applicant/planning agent submitted amended plans to show the extensions to be faced in matching brickwork.

Whilst it is noted one elevation is annotated both with render and matching materials, it is considered this can be confirmed / clarified by a condition placed on any grant of permission.

Relevant Planning History.

No relevant planning history at the application site or to neighbouring properties.

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 17 August 2023 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

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).

An Allocated area of Urban Green Space is located to the rear of the site. However, given that the proposal seeks development within the existing curtilage of 2 Kirk Lea Crescent only, it is considered that no further assessment of the impacts to this Allocation are necessary in this instance, given that there would be no loss of Urban Green Space.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary 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, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

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

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on Visual Amenity

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 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."*

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'*

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.

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, heritage assets and landscape…'*
- *'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 5.3 of the Council's House Extensions and Alterations SPD specifically relates to side extensions, with paragraph 5.22 setting out that two-storey side extensions should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

The proposed two-storey side extension to 2 Kirk Lea Crescent is considered to be a subservient addition to the host property, with a projection that measures less than two thirds the width of the original dwelling and to be faced in materials that would match the existing appearance of the host

property, brickwork and concrete tiles. The side extension would also retain an appropriate extent of openness, separated from the nearest boundary of curtilage by approximately 2 metres.

Whilst officers not that the two-storey side extension would not be set down from the roof pitch of the host dwelling or back from the principal elevation, in this instance, it is concluded that there are justifications in place to warrant such a design and that the proposed development would result in an overall visual improvement to the site. The main reason for this been the existing garage at 2 Kirk Lea Crescent, which would be demolished as part of the proposal. This existing garage has the same building line as the proposed two-storey side extension and the large expanse of flat roof above is considered out of keeping with the architectural style of the property and the character of the wider streetscene.

The proposed single storey lean-to element of the extension would also be considered acceptable visually, in keeping with the requirements of paragraph 5.6 of the Council's House Extensions and Alterations SPD with regard to the acceptable design of single storey rear extension and also to be faced in materials that match the appearance of the host dwelling.

Section 5.2 of the House Extensions and Alterations SPD relates to front extensions, with paragraph 5.14 setting out that front extension will not normally be permitted unless:

- the house if set well back from the pavement or is well screened;
- the extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area;
- the materials match the existing features of the original house; and
- the extension would not unreasonably affect the neighbouring properties.

The proposed single storey front porch extension to 2 Kirk Lea Crescent is considered to be an acceptable addition to the principal elevation of the dwelling of a subservient size/scale and in keeping appearance. It should be noted that officers consider the new porch to be a visual improvement to the existing flat roof along the frontage of 2 Kirk Lea Crescent, in turn, presenting an overall visual enhancement.

For all these reasons, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) 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.

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.

The proposal would see a reduction in the overall extent of outdoor amenity space at 2 Kirk Lea Crescent, however, it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the property most likely to be affected by the proposed development is that which directly neighbours the site, this being No. 4 Kirk Lea Crescent.

No. 4 Kirk Lea Crescent is located to the north east of the application site. The proposed extensions would retain a minimum separation distance of approximately 2 metres from the shared boundary with No. 4 Kirk Lea Crescent. Although No. 4 Kirk Lea Crescent is a bungalow, given this seperation distance and the locational relationship between No. 2 and No. 4 in terms of their siting, it is not considered that the side extension would result in any significant impacts of undue overbearing or overshadowing. Furthermore, although windows are present to the side elevation of No. 4, given the position and style of this glazing, it is not considered that they would serve habitable rooms internally nor would development be concluded to result in undue impacts of overbearing or overshadowing to these windows.

Furthermore, the only windows proposed in the side elevation of 2 Kirk Lea Crescent would all be obscure glazed. Therefore, development would pose no detrimental impacts to the residential privacy of No. 4 Kirk Lea Crescent as a result of overlooking.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

For these reasons, the proposed development at 2 Kirk Lea Crescent is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) **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.

The proposal would retain a minimum of two off-street parking spaces at 2 Kirk Lea Crescent, with the proposal to result in a four-bedroom dwelling. Key Design Principle 15 of the House Extensions and Alterations SPD sets out that 4+ bedroom dwellings should provide a 3 off-street parking spaces. Whilst only two on-site spaces would be provided, on-street parking is available along Kirk Lea Crescent and does not appear to be over subscribed. It is considered that in this case losing further garden area(s) to parking would not be preferably to the impact soft landscaping has in the street scene.

In turn, it is concluded that in relation to highway safety / parking, erecting the proposed extensions at 2 Kirk Lea Crescent would appropriately accord with the aforementioned policies.

4) 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 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.

As part of this application, a Climate Change Statement was submitted, which sets out mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore

comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

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 lies within the bat alert layer on the Council's GIS system.

The proposal would see works to the roof and therefore, development would have the potential to disrupt roosting bats if present. However, given the age/design of the property, in this instance, it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found, development shall cease, and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

It should be noted that, the proposal incorporates a built-in bat nesting box. This is considered to be species enhancement.

5) Representations

No representations were received.

6) 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: 2023/91935
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun with 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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted, the external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Note: Due to its location, a bat roost 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 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.

Note: The application site is located within low risk coal area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Plans as Proposed	2	B	21.9.23
Plans as Existing	1	-	3.7.23
Climate Change Statement	-	-	3.7.23

Species Enhancement Statement	-	-	3.7.23

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.

The applicant/planning agent submitted amended plans to show the extensions to be faced in matching brickwork.

Report Dated: 25.9.23