

**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:	<b>2023/62/91939/W</b>
Site Address:	11, Burniston Drive, Oakes, Huddersfield, HD3 3PR
Description:	Erection of single storey rear extension
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: 11-Oct-2023**

## **Officer Report.**

**Reference:** 2023/91939

**Location:** 11, Burniston Drive, Oakes, Huddersfield, HD3 3PR

**Proposal:** Erection of single storey rear extension

## **Site Description.**

11 Burniston Drive is a two-storey semi-detached property located in Oakes, Huddersfield. The property is faced in stone and render, with a hipped roof above infilled with concrete roof tiles. Within the wider curtilage, the property benefits from a driveway to facilitate on-site parking and garden amenity space to both the front and rear.

The site is located within a residential area with a strong sense of similarity established. This is because the properties along Burniston Drive share the same style of design and construction, semi-detached, two-storey, hipped roofed and faced in matching exterior materials of stone and render.

## **Description of Proposal.**

Planning permission is sought for the erection of a single storey rear extension.

The single storey rear extension would have the following dimensions:

- Projection – 3.3 metres
- Width – 5.2 metres
- Height – 3.5

The external walls of the extension would be faced in render, with the lean-to roof to be infilled with concrete tiles.

Glazing is proposed to the rear elevation in the form of a set of glazed bi-fold doors. A composite access door is proposed to the eastern side elevation of the extension.

Roof lighting is proposed in the form of two velux windows.

### **History of Negotiations.**

The original submission included a two-storey side extension as well as a single storey rear extension. The case officer raised concerns regarding the design of the originally proposed two-storey side extension and that the proposal failed to be compliant with the design requirements of the House Extensions and Alterations SPD.

In response to officer feedback, several amendments were submitted by the applicant/planning agent, removing the side extension entirely and reducing the size/scale of the single storey rear extension.

The case officer modified the description of proposal accordingly, to remove reference to a two-storey side extension so that it read 'erection of single storey rear extension' to reflect the amended plans.

The overall determination of this application is based on the latest set of amended plans, as submitted 2<sup>nd</sup> October 2023.

### **Relevant Planning History.**

To 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 18<sup>th</sup> August 2023.

In response to publicity one general comment was received. The general comment stated that it supported the single storey rear extension, raising questions and concerns regarding only the originally proposed two-storey side extension. Given that the two-storey side extension has been removed from the proposal, it is not considered necessary in this instance to provide a case officer response to such concerns. The general comment did raise the additional following query:

- Note there was no notice on the lamppost which is customary to planning applications.

*Officer response: the application was advertised in accordance with the statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, in this instance, publicity was undertaken via neighbour notification letters. A site notice was not required.*

### **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).

The site is located 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
- 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 5<sup>th</sup> 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
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) 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.

The Council’s House Extensions and Alterations SPD further states that single storey rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terrace houses or by 4 metres for detached properties
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed rear extension to 11 Burniston Drive is considered to be a subservient addition visually, due to its single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a lean-to roof, by roof, naturally works to reduce the potential for any undue bulking and massing from the overall appearance of the extension.

The forms of fenestration are also considered to be acceptable visually, in keeping with the architectural design of the host property, with glazed doors previously established to the rear elevation of the host dwelling.

In turn, it can be concluded that the extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the dwellinghouse.

For the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the host property or locality. The proposed development is therefore considered to comply with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

Officers note that the extension would exceed the limitations of the aforementioned SPD with regard to projection, projecting 0.3 metres beyond the recommended 3 metres for semi-detached properties, and also acknowledge that the extension would retain a separation distance of 0.67 metres rather than the recommended 1 metre. However, in the instance of this application, these marginal infringements are concluded acceptable on the individual merits of the site. These individual merits been that 11 Burniston Drive benefits from full Permitted Development Rights and the Permitted Development fallback of building a 3-metre rear extension along the boundary is considered more detrimental to residential amenity than the extension as proposed under this planning application, discussed further in the next section of this report.

## **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.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, a sufficient extent of outdoor amenity space would be retained at 11 Burniston Drive.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 9

and 13 Burniston Drive, as well as No.'s 26 and 32 Goldington Avenue which adjoin the rear boundary of curtilage at the site.

No. 9 Burniston Drive:

Given the single storey nature of the proposed extension at 11 Burniston Drive, as well as the retained separation from the shared boundary, it can be concluded that the extension would not present any significant impacts of undue overbearing or overshadowing for the occupiers of No. 9 Burniston Drive. In addition, no glazing is proposed in the side elevation of the extension which faces towards this neighbouring property, result in no detrimental impacts to residential privacy 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.

No. 13 Burniston Drive:

The proposed extension to 11 Burniston Drive would fail to be entirely compliant with the design requirements of single storey rear extensions as set out in the Council's House Extensions and Alterations SPD, set away from the shared boundary with No. 13 by only 0.67 metres rather than by the recommended 1 metre. In addition, the proposed single storey rear extension would not be entirely compliant with the 45-degree rule as set out within Key Design Principle 5 of the SPD.

Notwithstanding this, these marginal infringements to guidance are considered to be an improvement upon the potential fallback position which could be attained at 11 Burniston Drive, whereby the property still benefits from Permitted Development Rights and could therefore build a 3-metre rear extension up to the shared boundary. This fallback position would be considered to pose greater harm to the residential amenities of No. 13 with regard to overbearing and/or overshadowing. Therefore, in this instance, the individual merits of the applicant site are considered to warrant the grant of approval with regard to residential amenity and impacts to No. 13 Burniston Drive.

No glazing is proposed in the side elevation facing this neighbouring property, resulting in no detrimental impacts to residential privacy as a result of overlooking.

No.'s 26 and 32 Goldington Avenue:

Given the single storey nature of the proposed extension to 11 Burniston Drive and the significant extent of separation from the rear boundary of curtilage, it can be concluded that the proposed extension presents no significant impacts of undue overbearing or overshadowing for the occupiers of these neighbouring properties.

The separation distance between the proposed extension and these neighbouring properties works to ensure no detrimental overlooking from the proposed glazing to the rear of the extension.

For these reasons, on balance, the proposed development at 11 Burniston Drive is considered to be acceptable with regard to harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development is acceptable in accordance 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 proposed development will not directly increase the domestic function of No. 11 Burniston Drive (i.e. no additional bedrooms proposed), nor will it alter the existing parking arrangements on site or access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed rear extension at 11 Burniston Drive would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

### **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.

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 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.

## **5) Representations**

In response to publicity one general comment was received. The general comment stated that it supported the single storey rear extension, raising questions and concerns regarding only the originally proposed two-storey side extension. Given that the two-storey side extension has been removed from the proposal, it is not considered necessary in this instance to provide a case officer response to such concerns. The general comment did raise the additional following query:

- Note there was no notice on the lamppost which is customary to planning applications.

*Officer response: the application was advertised in accordance with the statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, in this instance, publicity was undertaken via neighbour notification letters. A site notice was not required.*

## **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: 2023/91939**  
**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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24 & 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. 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: The application site is located in a low risk coal area.

Plans and Specifications Schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	BD01	-	4.7.23
Existing Site / Block Layout	BD02	-	4.7.23
Existing Plans	BD03	-	4.7.23
Proposed Plans	BD05	C	2.10.23
Proposed Site Plan	BD04	C	2.10.23

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 original submission included a two-storey side extension as well as a single storey rear extension. The case officer raised concerns regarding the design of the originally proposed two-storey side extension and that the proposal failed to be compliant with the design requirements of the House Extensions and Alterations SPD.

In response to officer feedback, several amendments were submitted by the applicant/planning agent, removing the side extension entirely and reducing the size/scale of the single storey rear extension.

Report Dated:

9.10.23