# 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: | **2023/62/92073/E** |
| Site Address: | 5, Park Drive, Shelley, Huddersfield, HD8 8JE |
| Description: | Erection of side and rear extensions with rear terrace and associated alterations |
| Recommending Officer: | Elenya Jackson |

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 18-Oct-2023**

## OFFICER REPORT

### Site Description

5, Park Drive, Shelley, Huddersfield, HD8 8JE is a detached dwelling which currently benefits from its own driveway, private rear garden and integrated garage.

The property is constructed predominantly out of stone with render side elevations and cladding. Dwellings within the immediate vicinity of the site are of similar scale and design however a property across from the application site has been rendered. There are variations in material palette within the street scene. The area is residential in nature and adheres to a reasonably consistent building line.

### Description of Proposal

This application has been received for the construction of a single storey side and rear extension.

The proposed side extension would extend 1.4m beyond the side elevation of the existing dwelling and have a depth of 5.6m. This would extend the existing a-symmetric pitched roof.

The proposed rear extension would extend approximately 3.5m beyond the rear elevation of the host dwelling, have a width of 13.6m with a maximum height of 3.9m. This would also follow the existing roof plane.

The proposal is outlined to be matching materials on the principal elevation with a rendered rear elevation.

There is a large amount of paving to the rear of the dwelling which would require some excavation of the site to be level with the ground floor of the dwelling.

### Relevant Planning History

2022/92140: Prior notification for single storey rear extension. Details approved

### Representations

The application was advertised by neighbour letters, which expired on 21/09/2023.

One representation has been received as a result of site publicity which raised the following concerns:

- Party wall agreements
- Ambiguity regarding final location of proposal in relation to boundary

### Consultation Responses

**Kirkburton Parish Council:** No objections

**KC Highways DM:** An informal consultation was held on 6/09/2023 and no objections were received.

**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.

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.

**Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

**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, and 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 12 – Achieving well-designed places

**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) Negotiations
7) Conditions
8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) does state 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. Furthermore, Key Design Principle 2 of the HEASPD goes onto state 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 details.

The proposal is visible from the street scene as it relates to the side elevation of the dwelling.

The proposal would extend a minimal distance beyond the side elevation of the existing dwelling and would be set down and back from the host property. The use of matching materials on the principal elevation of the proposal would aid its integration with the host dwelling.

The single storey rear extension would have limited views from the public realm. The property also benefits from a Larger Home Notification which presents a fallback position on which a significant amount of weight can be placed.

Section 5.5 of the House Extensions and Alterations SPD refers to rear extensions and states:

- Extensions should not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- Not exceed 4 metres in height
- Not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties; where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

The proposal would not exceed 4m in depth from the rear elevation of the main part of the dwelling; however, it would be taller than 4m as it matches the roof of the existing dwelling. It is considered that due to the existing dwelling being single storey, the proposal matching the roof pitch of the existing dwelling and not being overly prominent within the public realm, no significant issues would arise regarding visual amenity.

The rear terrace would be contained within the private amenity space of the dwelling and not of significant height. There is a large amount of paving provided; however, the site is not within a flood risk area, Green Belt or critical drainage area. The formation of hard standing could therefore be carried out without planning permission. Therefore, no significant issues would arise regarding visual amenity.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension forms a subservient addition to the property in keeping with the existing building.

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

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The size of the extension covers some of the amenity space of the application property. It is considered that, in this instance, sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

*Impact on 3 Park Drive: adjoins the application property to the west.*
Overlooking: The proposal would not feature any side facing windows. Overshadowing/loss of light/overbearing: The side extension would not extend closer towards no.3 than the existing dwelling and would continue the existing relationship between the two dwellings. The proposal would also be situated to the east of no.3 and therefore no significant issues would arise regarding Overshadowing/loss of light/overbearing.

*Impact on 7 Park Drive: adjoins the application property to the east.*
Overlooking: The proposal would not feature any side facing windows. Overshadowing/loss of light/overbearing: The side extension would not extend beyond the rear of no.7 and would not intercept the private amenity space of the dwelling. The property has one side facing window in line with the proposal which relates to the garage and therefore no significant issues would arise regarding Overshadowing/loss of light/overbearing.

On the basis of the above, the proposals are considered to accord with relevant policies in respect of the impact on residential amenity.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, the proposal does not create any additional bedrooms.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

*Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning

application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Contaminated Land:
The site does not reside in an area known to be contaminated; however, as the proposal involves groundworks and is within a low risk coal area, a note will be added to the decision notice advising the applicant of the possible presence of coal.

6 – Representations:

One representation has been received following site publicity. This states that:

*"there is no objection to the application provided that no party wall agreement is contemplated and thereby as per regulations any part of the extension including the*
*roof and gutters must be at least 50mm from the boundary line between our properties and that such stipulation should form part of any planning consent given. The drawings are unclear in this respect.*
*For the avoidance of any doubt we are not willing to enter into a party wall agreement"*

Officer Response:

Party Wall agreements are a civil matter and would not be a reason for refusing a planning application. As such, no further comments on this matter.

With regards to the proposed plans, officers have requested clarification on the location of the proposal in relation to the shared boundaries between neighbouring residents. The plans have subsequently been amended and show the proposal would be fully contained within the land owned by the applicant.

7 – Negotiations:

Through the course of the application, officers requested clarification on the location of the proposal in relation to the shared boundaries between neighbouring residents. The plans have subsequently been amended and show the proposal would be fully contained within the land owned by the applicant

8 – Proposed conditions

The standard time condition which is a requirement of Section 91 of the Town and Country Planning Act 1990.

Accordance with the approved plans to ensure the development is carried out and maintained in line with the officer's assessment.

Matching materials

9 – Conclusion:

This application to erect a single storey side and rear extension with rear terrace and associated alterations to 5, Park Drive, Shelley, Huddersfield, HD8 8JE has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations Design SPD, the National Planning Policy Framework and other material considerations.

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.

As set out above, 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**: 2023/92073
**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 with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing materials must match in all aspects to those used in the construction of the existing building.
**Reason**: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

| Plan Type | Reference | Date Received |
|---|---|---|
| Grouped plans and elevations | 2317-01 | 2.10.2023 |
| Climate change statement | | 13.07.2023 |

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 Planning 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.

Through the course of the application, an amended plan was requested to show the proposal to be contained within the red line boundary of the application site.