

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:	2023/62/92353/W
Site Address:	9, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA
Description:	Erection of two storey side extension and single storey rear extension with flat roof canopy
Recommending Officer:	Lucy Taylor

DECISION - REFUSE

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

Julia Steadman

AUTHORISED OFFICER

Date: 23-Nov-2023

Officer Report.

Reference: 2023/92353

Location: 9, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA

Proposal: Erection of two storey side extension and single storey rear extension with flat roof canopy

Site Description.

9 Springwood Hall Gardens is a two-storey semi-detached property located in Springwood, Huddersfield. The exterior walls of the property are faced in brick and a gable roofing form is erected above, infilled with concrete pantile tiles. The property benefits from outdoor amenity space to the front and rear, with on-site parking available to the driveway and attached garage.

Within the wider streetscene there is a mix of property types. The properties which directly neighbour No.9 to the north and south share a very similar style of design and construction, however, other property types and designs are also established, including detached properties directly opposite.

Description of Proposal.

Planning permission is sought for the erection of a two-storey side extension and single storey rear extension with flat roof canopy.

The proposed two-storey side extension would have the following dimensions:

- Projection/Width – 3 metres
- Length – 9 metres (projecting forward of the principal elevation of host dwelling by 1.45 metres, flush with rear elevation of host dwelling)
- Eaves height – 5 metres (same as host dwelling)
- Maximum height – 7.3 metres (same as host dwelling)

The proposed single storey rear extension would have the following dimensions:

- Projection/Length – 2.55 metres
- Width – 6.6 metres
- Eaves height – 2.6 metres
- Maximum height – 3.7 metres

The proposed flat roof canopy is to be erected to the principal elevation of the host dwelling. The structure would have an open principal elevation and open side elevation, with a brick pillar to support the flat roof. The flat roof would have the following dimensions:

- Maximum projection – 1.45 metres

- Maximum height – 2.7 metres

The exterior walls of the extensions would be faced in brick, with the roofs to be infilled with concrete pantile tiles.

History of Negotiations.

The planning agent/applicant was informed of the concerns raised by the case officer, recommending that amendments be made to the original scheme to improve the design of the proposal in accordance with the design principles of the House Extensions and Alterations SPD.

No amended plans have been forthcoming, with the applicant aware of the recommendation of the Local Planning Authority. Therefore, the overall determination of this application is on the basis of the original plans as submitted on 7th August 2023.

Via email communication, the planning agent/applicant confirmed that the window to the rear elevation of the attached garage at No. 7 Springwood Hall Gardens is not part of a habitable space internally.

Relevant Planning History.

No relevant planning history at the application site.

To neighbouring properties:

- 2002/93998 – 13 Springwood Hall Gardens – Erection of two storey and single storey extension.

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.

Final publicity date expired 26th September 2023.

No representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

Section 38(6) of 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 application site is within an area with a known presence of bats and within an area identified by the Coal Authority as being at high 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 and 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 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 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”*.

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.

Paragraph 5.6 of the House Extensions and Alterations SPD sets out 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 single storey rear extension to 9 Springwood Hall Gardens is considered to be of a subservient size/scale, projecting beyond the rear elevation of the host dwelling by 2.55 metres, with a maximum height of 3.7 metres. Given the dimensions of the proposed single storey rear extension, it is concluded that it would be a subservient addition to the host property of 9 Springwood Hall Gardens.

Furthermore, the single storey rear extension would not cover more than half the area around the original house and would retain an appropriate extent of separation from the shared boundaries, 0.8 metres from the northern boundary and 3.2 metres from the southern boundary.

The materials of the proposed single storey rear extension would match the host property, brick and concrete pantile tiles. The design of fenestration detailing would also be acceptable, with the velux windows and large glazed bi-fold doors concluded to be appropriate contemporary interventions.

Paragraph 5.14 of the House Extensions and Alterations SPD sets out that single storey front extensions will not be permitted unless:

- the house is 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 and design match the existing features of the original house
- the extension would not unreasonably affect the neighbouring properties.

The proposed flat roof canopy is considered to be a subservient addition to the principal elevation, presenting an additional extent of built form with an open front and side elevation. The canopy would be set back from the pavement by approximately 6 metres.

The exterior materials to construct the proposed canopy are concluded acceptable, with a matching brick support pillar and single ply membrane roof. Upon any grant of permission, a condition would be imposed to ensure the colour finish of the flat roof match that of the host roof.

It should be noted that the property currently benefits from a flat roofed canopy across the frontage as it currently stands, with the adjoining neighbouring property also benefitting from a flat roofed canopy to the front elevation.

Paragraph 5.20 sets out that two-storey side extensions should:

- not take up all or most of the space to the side of the house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.

The design of the proposed two-storey side extension to 9 Springwood Hall Gardens is contrary to the design principles of the House Extensions and Alterations SPD as set out above. The two-storey side extension would not appear as a subservient addition to the host property, presenting an undue extent of additional bulk/massing to the front and side of the dwellinghouse.

The projection of the side extension would retain a separation distance of 0.8 metres from the northern boundary, the extension would not be set down from the ridge of the host property and the extension would project forward of the principal elevation of the host property by 1.45 metres. Cumulatively, these

two design factors would result in the extension appearing cramped and overtly oppressive within the streetscene.

Whilst officers note that various two-storey side extensions have been erected within the streetscene, which project forward of the principal elevation of the host dwelling, these are not considered to afford significant weight to the determination of this current planning application. The reasons for this are because the extensions are to either a different property type (e.g. detached properties) and/or where granted prior to the adoption of the House Extensions and Alterations SPD. It should be noted that the two-storey side extension to No. 13 Springwood Hall Gardens sits flush with the principal elevation.

It is therefore concluded that the proposed two-storey side extension would not comply with policies within Chapter 12 of the NPPF, Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 or 2 of the House Extensions 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 extent of garden amenity space at 9 Springwood Hall Gardens, but 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 properties most likely to be affected by the proposed development are those which directly neighbour the site, these are assessed in turn below:

No. 7 Springwood Hall Gardens:

This property neighbours the application site to the north.

The proposed extensions to No. 9 Springwood Hall Gardens are not considered to result in undue impacts of overbearing and/or overshadowing for the occupiers of No. 7 Springwood Hall Gardens. The extensions would

retain a separation distance of 0.8 metres from the shared boundary with No. 7 and an even further separation distance of approximately 4.3 metres from the dwellinghouse itself (excluding the attached garage to its southern side elevation). In addition, the property of No. 7 Springwood Hall Gardens is built to a higher topographical ground level, further mitigating any undue impacts or overbearing and/or overshadowing.

Whilst glazing is present to the side elevation of No. 7 Springwood Hall Gardens adjacent to the proposed two-storey side extension, given the location and size of these windows, it is not considered that they would be primary windows to serve a habitable room within the interior of the dwellinghouse.

With regard to the 45-degree rule, only the window to the rear of the attached garage would fail to preserve a line of 45-degrees from the extensions. The planning agent/applicant has provided written confirmation via email that the window to the rear elevation of the attached garage at No. 7 is not part of a habitable space internally.

The extensions do not propose any glazing to the side elevation directly adjacent to the boundary with No. 7 Springwood Hall Gardens. Therefore, the extensions are not considered to detriment neighbouring privacy with regard to overlooking.

No. 11 Springwood Hall Gardens:

This property adjoins the application site to the south.

The proposed extensions are not considered to result in an undue impact with regard to overbearing and/or overshadowing, with the two-storey side extension to be set to the northern side of the host property and the single storey rear extension to retain a separation distance of approximately 3.2 metres from the shared boundary.

The single storey rear extension proposes one window to the southern side elevation. This window would face towards the shared boundary with No. 11 Springwood Hall Gardens and the floor plans suggest that it would serve a dining kitchen (e.g. kitchen with an open shared dining room). This area internally is defined as been a habitable room within the House Extensions and Alterations SPD. As such, given that this window would be directly adjacent to the rear amenity space of No. 11, it is concluded its erection could result in undue impacts with regard to neighbouring privacy and overlooking.

Whilst officers note that a fence is erected partly along the shared boundary between No. 9 and No. 11, there is no requirement for this to be retained into the future and therefore, is not a material consideration upon determining the impacts of overlooking with regard to the window proposed to the southern side elevation of the single storey rear extension.

No.'s 10 and 12 Oastler Avenue:

These properties are located to the rear of the application site.

The extensions would retain a separation distance of approximately 21.6 metres from the most rear elevation of these neighbouring properties and, as such, the extensions are not considered to result in undue impacts to the occupiers of No.'s 10 or 12 Oastler Avenue with regard to overbearing, overshadowing or 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 the reasons set out in this section of the report, the proposed development to 9 Springwood Hall Gardens is considered to cause undue harm to the residential amenities of neighbouring properties, specifically the overlooking impacts that would occur for the occupiers of No. 11 Springwood Hall Gardens.

The scheme therefore fails to comply with policy LP24(b) of the Kirklees Local Plan, Key Design Principle 3, and Chapter 12 of the NPPF.

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 extensions would take the number of bedrooms within the interior of the dwellinghouse from 3 to 4. The works would remove the existing attached garage and would reduce the length of the driveway by 1.45 metres. The retained driveway would have a length of approximately 6 metres, considered to facilitate on-site parking for only one vehicle. Guidance sets out that 4-bedroom dwellings should provide 3 off-street car parking spaces.

In turn, the proposed extensions would be considered to result in an intensification of the residential use of the site, with a reduction in the extent of on-site parking with no compensatory off-street parking provided. The limited on-site parking provided would likely result in vehicles parking on highways increasing the likelihood of conflict between highway users. The proposal would therefore result in a detriment to the safety and convenience of highway users including pedestrians. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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 set out several 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 which has the potential for roosting bats to be present. Given the age / design of the property 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 worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

The proposal is considered to have an unacceptable visual impact upon the host property and wider locality as a result of the design of the two-storey side extension.

The proposal is also concluded to have an unacceptable impact upon the residential amenity of the occupiers of No. 11 Springwood Hall Gardens. Whereby, as a result of the single storey rear extension, the occupiers of this neighbouring property would experience an unacceptable level of overlooking.

Finally, the proposal would result in an intensification of the residential use of the site, whereby there would be a reduction in the levels of on-site parking, with no compensatory off-street parking to be provided, giving rise to the likelihood of increased conflict between highway users.

Recommendation: Refuse

Decision Authorisation – Delegated Powers
Application Number: 2023/92353
Officer Recommendation: Refuse Permission

Reasons for Refusal:

1. The proposed two-storey side extension by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear as an oppressive addition to the host dwelling, in turn, leading to harm to the character and appearance of the dwelling and the character of the wider street scene. The proposal would therefore be 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 national Policy set out in Chapter 12 of the National Planning Policy Framework.
2. By reason of proximity and positioning, the proposed window to the southern side elevation of the single storey rear extension would result in unacceptable levels of overlooking to the occupiers of No. 11 Springwood Hall Gardens. The harm caused to residential amenity as a result of the proposed window would be contrary to policy LP24(b) of the Kirklees Local Plan, Key Design Principle 3, and Chapter 12 of the NPPF.
3. The proposed extensions would result in an intensification of the residential use of the site, resulting in another bedroom, whereby no compensatory off-street parking has been provided. The limited on-site parking provided would likely result in vehicles parking on the local highway network increasing the likelihood of conflict between highway users. The proposal would therefore result in a detrimental impact to the safety and convenience of highway users including pedestrians. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	23-006-PL01	00	07.08.23
Existing Site / Block Layout	23-006-PL02	00	07.08.23
Existing Floor Plans	23-006-PL10	-	07.08.23
Proposed Site Plan	23-006-PL03	00	07.08.23
Proposed Elevations	23-006-PL13	-	07.08.23
Proposed Floor Plans	23-006-PL12	-	07.08.23
Existing Elevations	23-006-PL11	-	07.08.23

Existing and Proposed Street Elevations	23-006-PL14	-	07.08.23
Design Statement	-	-	31.10.23
Climate Change Statement	-	-	07.08.23

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 / agent was advised of concerns regarding the design of the scheme and, following discussions, the application has been determined on the basis of the plans as submitted.

Report Dated:

22.11.23