

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:	2023/62/92762/W
Site Address:	27, Richmond Avenue, Fartown, Huddersfield, HD2 2QH
Description:	Erection of two storey side and single storey rear extensions and basement conversion
Recommending Officer:	Tom Hunt

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 06-Dec-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92762
Location	27, Richmond Avenue, Fartown, Huddersfield, HD2 2QH
Proposal	Erection of two storey side and single storey rear extensions and basement conversion
Publicity end date	06/11/2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	Unallocated. High Risk for Coal.
Extension to Time (EoT)	Yes EoT Date: 8th December
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) September 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 53** – Contaminated and unstable land

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	
Planning History	Yes	97/92240 – Erection of Ground Floor Extension. Approved. Planning application details Kirklees Council 2004/91943 – Outline Application for Erection of Detached Bungalow. Approved. Planning application details Kirklees Council 2007/93685 – Land rear of 27 Richmond Avenue, Fartown, Huddersfield, HD2 2QH. Erection of 1 no. bungalow. Approved. Planning application details Kirklees Council 2023/91178 – Erection of two storey side and single storey rear extensions and basement conversion. Approved. Planning application details Kirklees Council This is for a largely similar scheme but the rear extension projected less and had a mono-pitched roof.
Consultations required	None	

Assessment

The application seeks permission for a two storey side extension, single storey rear extension and basement conversion

2 storey side extension:

- Max 4.5m projection from the side x 7.98m depth x 8.3m ridge height x 5.3m eaves height from ground

Single-storey rear extension:

- 3m projection from the rear x 9.25m width x 3m height from ground. Flat roof

Basement conversion:

- 1.705m projection from existing single-storey side extension x 7.98m depth. Below the ground floor of the proposed two-storey side extension.

The basement conversion would not be assessed under visual amenity as it would not visually intrude on the development.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified:

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	Yes – this would not significantly alter the existing relationship of windows view from the second floor and the side elevation window to the ground floor would face a boundary fence and to the first floor window, this would be obscurely glazed.	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house		No – this is seen in the context of being next to a driveway so the proposal would not close the gap between neighbouring properties and therefore would avoid an oppressive design accordingly
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		No – as above

be set back at least 500mm from the front wall of the house		No – this would be partly over an existing single-storey, flush elevation side extension and a set back design would not be practical given that the proposal would extend beyond the single-storey side extension. Considering its elevated position to its semi-detached neighbour, a non-flush side extension to the host would appear as an overcomplicated design to the host and pair. Properties in the area are extremely varied in design so the proposal is considered acceptable.
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The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraphs 5.1 and 5.6 on pages 23 and 24 (and listed below) and if they do not, they need to be justified:

Rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained	Yes	
Be set behind the original building, and not projecting beyond the sides	Yes	
Maintain external access to the rear garden		No – discussed as above
Single storey rear extensions should:		

be in keeping with the scale and style of the original house	Yes – it would be with a flat roof set on lower ground minimising bulk and massing (host appears 3 storey to the rear) and would be faced in matching materials	
not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes	
not exceed 4 metres in height	Yes	
not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties	Yes	
where they exceed 3m in length the eaves height should generally not exceed 2.5 meters	N/A	
retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge		No – it would not retain a gap of 1m to its paired neighbouring boundary, there is large existing greenery from trees/shrubs which provide visual screening up to 1.5 storeys at rear to this neighbour. However it would have a modest projection from the rear which will assist in the proposal being of minimal visual impact to this neighbour as a result. The other neighbouring property to the side will have a separation distance to boundary of 1.7m and the driveway in between which will comply.

Design and Visual Amenity:

The streetscene is of two-storey residential properties with extremely varied architectural styles, materials, and sizes. They are arranged on a hillside and the common characteristic of those properties is that they have a stepped roof ridge height aligned with the topography as it falls from west to east. The host property is adjacent to a driveway serving No. 27a providing a sense of openness to the streetscene.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	1 and 2 storey extensions: Low impact due to varied architectural styles and massing of properties nearby. Would not appear out of keeping despite increase in bulk and massing.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	2 storey extension: It would keep the original simple architectural style of the property with its hipped roof and matching facing/roof materials. There would appear to be an unbalanced composition with its paired neighbour however the design is already unbalanced and therefore Officers propose that this be accepted in this isolated instance. 1 storey extension: This would be harmonised with matching materials and be set on lower ground with the majority of the	✓

		original rear elevation left exposed.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	2 storey extension: It would not exceed the original in terms of height. It would add an extension of significant scale and massing just under two thirds the width of the host however this would be visually broken up by the sloping topography and the adjacent driveway land to its west still providing welcome visual openness to relieve the bulk. 1 storey extension: It would be a moderate extension in projection and be on the lower ground which would appear as a minor addition when viewed against the 3 storey host elevation at rear.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	1 and 2 storey extensions: Acceptable. Matching materials and details	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	1 and 2 storey extensions: Acceptable, retains original character of host's roof style and roofing material for two-storey side and the flat roof is of low visual impact to host with a simple form.	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP	1 and 2 storey extensions: Acceptable as it would match the host's own. There is a vertical window and two ranges of patio doors to the rear	

	Chapter 12 of the NPPF	which would appear incongruous however this would be of very restricted impact to the host and streetscene being obscured by the host's own bulk and massing.	
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	1 and 2 storey extensions: There would be a loss of rear access to the garden from the highway however this is balanced by the existing change in topography with ground level falling sharply from highway to the rear garden. This would have a neutral impact.	

It is noted that the basement conversion would be under ground and of no visual impact to the host or to the streetscene limited to internal works. The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 25 Richmond Avenue – paired semi-detached neighbour to east. Side extension would be screened by the bulk and massing of the host with no residential amenity impacts. Rear extension would be of limited projection on lower ground level largely compliant with the SPD and adjacent to a timber fence with mature greenery both of a height from ground level to partially screen the single-storey rear extension's height; the rear extension is to the southwest of the neighbour and would not contribute significantly to overshadowing over and above existing boundary arrangements. The rear extension has no windows facing this neighbour and would avoid additional overlooking impacts.*
- 29 Richmond Avenue – detached neighbour to west, separated by No. 27a's driveway. Adequate separation distance of ~8.5m due to driveway to the east of the neighbour. One obscure glazed side window to ground floor faces a solid timber fence and wall with outbuilding ~2.4m height from driveway ground. One obscure glazed window at first floor with no views out.*
- 27a Richmond Avenue – detached bungalow to the south, at a lower ground level. Trees and solid timber boundary fence adding adequate screening for the single-storey rear extension at lower ground to*

prevent views. Addition of two-storey side extension would have one additional vertical rear window at ground floor serving a staircase (non-habitable room) and one window to first floor to serve a bedroom (habitable room). While existing trees could not screen the additional view from the windows, the separation distance would be ~21.7m exceeding SPD guidance on minimum expected separation distance for privacy under Key Design Principle 3 (para. 4.10, page 11) and be acceptable. One additional window would not substantially change the existing relationship between the neighbours and would afford oblique views of the front of the property and driveway with privacy maintained to the rear garden. In addition, fence gap to the rear boundary with green screening would not significantly alter the existing relationship between neighbours.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Acceptable. Property's primary elevation faces out to open lawned land. Obscurely glazed windows noted on ground and first floor side (west) elevation covered by condition 2. Would be compliant with Policies.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above. None	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As above. None	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Adequate space retained for private use and function for future occupants	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The use of the property would be intensified with two additional bedrooms to form a 5 bed property. This would normally require three off- street parking spaces to support this occupancy level. The proposed site plan indicates 3 parking spaces to the front amenity space which is currently hard surfaced. It is clear from aerial survey records that this cannot be achieved for modern parking standards without the complete removal of the stone boundary walls. Currently the site can offer 1 off street parking space within its driveway and has vehicles parked on the pavement in order to meet its parking demand. The site is constrained and cannot provide further parking. Parking in the quiet residential area is oversubscribed due to the terraced properties nearby without driveways. It is in close proximity to frequent public transport bus links and to Fartown Local	✓

		Centre which would support car free use. In a finely balanced conclusion, there is very limited capacity to have more off street parking without the loss of the boundary walls which serve to visually tie in the properties in the locality with each other adding some welcome character and cohesion to the street. The siting of the property so close to facilities, services, amenities and public transport is considered reasonably sufficient enough to recommend approval as the potential impacts on highway safety are limited on this quiet residential road.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	As above.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There is sufficient space within the front amenity space to have existing arrangements remain unaffected.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
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Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	None	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Not within a sensitive area identified as biodiverse. Works to be carried out relate to an area of no significant vegetation to the side or to the rear. No BNG required under Policies for the minor scale of development. Acceptable.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓
Coal Risk	• Policy LP53 of the KLP • Chapter 15 of the NPPF	The site is within a High Coal Risk area and in line with standing advice concerning this householder extension, an informative on High Coal Risk would be added to satisfy the	✓

		requirements around public safety.	
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The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
N/A		N/A

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated

Application Number: 2023/92762

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 and LP53 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and

Policies within Chapters 2, 9, 12, 14 and 15 of the National Planning Policy Framework

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: This planning permission does not override other duties and responsibilities set out in civil legislation and regulations pertinent to the development of land. You are advised to check whether there are covenants over land or third party rights of consent required. For example, under the Party Wall etc Act 1996 (as amended).

<https://www.gov.uk/party-walls-building-works>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan and Existing and Proposed Block Plan.	Drawing No. 01.	Unamended	18/09/2023
Existing Floor and Roof Plans.	Drawing No. 02.	Unamended	18/09/2023
Existing Elevation Plans.	Drawing No. 03.	Unamended	18/09/2023
Proposed Floor Plans.	Drawing No. 04.	Unamended.	18/09/2023
Proposed Elevation Plan.	Drawing No. 05.	Unamended	18/09/2023
Climate Change Statement	-	Original	26/10/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant

in dealing with the application. The applicant was not contacted during the course of the application as the submission was considered acceptable.

Report Dated:

05/12/2023