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:	**2023/62/92765/W**
Site Address:	28, Savile Road, Lindley, Huddersfield, HD3 3DQ
Description:	Erection of single storey side and rear extensions with alterations
Recommending Officer:	Molly Storer

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: 01-Mar-2024

OFFICER REPORT

Site Description

28 Savile Road is a two storey, semi-detached property in the area of Lindley. The dwelling is located on a corner plot with the front (north) elevation facing Savile Road and the west elevation facing onto Howard Road.

The property is constructed from natural coursed stone with a blue slate roof. It benefits from a small driveway to the front and a garden amenity space to the rear and side.

The surrounding properties to the sides and rear are residential although varying in terms of age and style with Huddersfield Royal Infirmary located to the front.

Description of Proposal

The applicant is seeking permission for single storey side and rear extensions.

After negotiations and a revised plan, the single storey extension to the side would project 2m from the original side wall, extending 4.8m of the depth of the dwelling and 2.8m beyond the rear wall wrapping across the dwelling by 7.9m. The roof would be of a flat roof design with parapet walls.

The walls are proposed to be natural coursed stone to match the existing property.

History of negotiations/amendments received

Originally permission was sought for a larger side and rear extension and a roof terrace. After visiting the site and assessing the original scheme it was necessary to seek amendments to the scheme, so that it complied with the adopted SPD on House Extensions and Alterations.

Originally, various aspects of the proposal failed to comply with the SPD and there was no justification to support departing from SPD within the application submission.

The concerns regarding the submission centred on the impacts of the proposed roof terrace and the scale of the proposed development on a ‘corner plot’. It was considered that harm to both residential and visual amenity would ensue from the scheme as submitted.

The scale and appearance of the roof terrace would be contrary to paragraph 5.28 of the SPD which states that balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Having assessed the plans and viewed the development in the context of the wider street scene, it was considered it would be incongruous and incompatible with the character and appearance of the area. This is exacerbated by being on a corner plot where it would be clearly visible from Howard Road. Furthermore, there were concerns about the actual or perceived loss of privacy to surrounding properties that would arise from the use of the roof terrace.

In addition, a reduction in the width of the side extension was requested to comply with paragraph 5.23 of the SPD, which states that on corner plots, side extensions should (inter alia) be set back from the existing building line on both streets. As submitted, the extension would not be set back from the existing building line on Howard Road. Therefore, a reduction in size and scale was recommended.

The agent responded with amended plans which removed the roof terrace and showed that the extension width fronting Savile Road would be reduced by 0.3 meters. However, the propped extension still raised concerns with respect to residential amenity, specifically the massing of glazing in the west elevation. This was communicated to the agent who submitted further amended plans with reduced glazing on the west elevation. These plans will be assessed in the following report. The description of development was amended to align with the updated plans.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 31st October 2023.

As a result of the above publicity, no representations have been received.

The application was not republicised as the revised plans significantly reduced the scale of development.

Consultation Responses

None

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 located in an area with a known presence of bats. Other than this it is unallocated within the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1 –** Achieving sustainable development
- **LP 2 –** Place shaping
- **LP 21 –** Highway safety
- **LP 22 –** Parking
- **LP 24 –** Design
- **LP 30 –** Biodiversity and Geodiversity
- **LP 51 –** Air Quality

Supplementary Planning Documents (SPD)

- House Extensions and Alterations SPD (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2023, 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

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:**

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP1 of the Kirklees Local Plan (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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP 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 of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. **Impact on Visual Amenity:**

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations SPD 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.

As this proposal is for a side and rear extension, the following paragraphs of the House Extensions & Alterations SPD are of relevance. Paragraphs 5.15 & 5.17 of the House Extensions & Alterations SPD with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. Paragraphs 5.1, 5.2 & 5.6 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The revised plans show that the extension is limited in terms of its projection (only projecting beyond the rear wall by 2.8m and beyond the side wall by 2m). Furthermore, given the permitted development fall back option of completing the side extension element and the rear extension element separately under PD it is considered that the part connecting these two elements on the corner would not cause significant visual harm and would instead harmonise with the original house. The proposed walling materials would match the main house and the detailing is considered to be acceptable. The parapet flat roof design reduces the mass of the development. The windows, whilst extensive, would denote the ‘contemporary’ design of the reduced extension.

Paragraph 5.23 relates specifically to side extensions on corner plots. It states that:

On corner plots, side extensions should be considered as being both side and front extensions and as such will relate to both street frontages. Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street;

- Being set back from the existing building line on both streets; and
- Following the boundary treatment along both streets, in relation to its position, height and materials.

In this instance plans show that the development would be set back from the existing building line on Savile Road. In part it would align with the Howard Road street frontage and is set well within the site with substantial boundary treatment. It would also create two frontages with windows in the north and west elevation. Due to being single storey in height and being subservient to the original dwelling it will follow the boundary treatment along both streets therefore complying acceptably to this part of the SPD.

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 would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

2. **Impact on Residential Amenity:**

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 House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 30 Savile Road

This property is the adjoined neighbour to the East of the application site. The separation provided on the plans of 1 metre between the host property and the adjacent neighbour to the East limits the potential for any overbearing or overshadowing. There are no openings proposed which could result in any loss of privacy. With regards to the impact on the adjacent 30 Savile Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12 of the NPPF and the proposals are considered to be acceptable.

Impact on 20 Howard Road

This property is the neighbouring property to the south of the application site. The orientation of the properties limits the potential for any overbearing or overshadowing. Even though there are three large openings in the south

elevation this would be of limited impact due to them facing onto a black wall except one opening on 20 Howard Road which is obscured glass reducing transparency. With regards to the impact on the adjacent 20 Howard Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 26 Savile Road

The neighbouring dwelling to the West occupies a position some 24m from the host property. Given the separation together with the single storey nature of the extension, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 26 Savile Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. **Impact on Highway Safety:**

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme 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 & Alterations SPD.

4. **Other Matters:**

Climate Change

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. This includes Key Design Principles 8-11 of the SPD.

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 application has been submitted with a Climate Change Statement. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Ecology

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 works to the existing dwelling would not significantly impact upon the part of the building most likely to contain bats (the roof). Nevertheless, it is considered appropriate to include an informative note upon any grant of permission which draws the attention of the applicant / developer to the requirements of the law should a bat be encountered on site.

There are no other matters for consideration.

5. **Representations:**

No representations were received.

Conclusion:

This application to erect a single storey extension to the side and rear of 28 Savile Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions &

Alterations SPD, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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: 2023/92765
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 & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walling materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24a of the Kirklees Local Plan, Key Design Principles of the House Extensions & 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: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application form	-		18/09/2023

Plan Type	Reference	Version	Date Received
Location plan	DRG.NR. LP01		18/09/2023
Climate change statement	-		18/09/2023
Existing and proposed grouped plans and elevations	2023/029/03	B	29/02/2024

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. It was necessary to request amended plans to remove the roof terrace element of the scheme and to refine the single storey extensions. This decision is based on the final amended plans.

Report Dated 29/02/2024