

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:	2023/62/92850/W
Site Address:	20, High Brooms, Birkby, Huddersfield, HD2 2FP
Description:	Erection of two storey rear extension and single storey side extension with associated alterations and erection of retaining walls.
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 08-Dec-2023

Officer Report.

Reference: 2023/92850

Location: 20, High Brooms, Birkby, Huddersfield, HD2 2FP

Proposal: Erection of two storey rear extension and single storey side extension with associated alterations and erection of retaining walls

Site Description.

20 High Brooms is a two-storey detached property located in Birkby, Huddersfield. The property is faced in artificial stone, with a tiled gable roof above. The property benefits from outdoor amenity space to the front and rear elevations, with on-site parking available to the driveway to the side of the property.

No. 20 High Brooms shares a strong sense of similarity to the neighbouring properties located within the immediate vicinity, which share the same style of design and construction and are faced in matching exterior materials.

Description of Proposal.

Planning permission is sought for the erection of a two-storey rear extension and single storey side extension, with associated alterations and the erection of retaining walls.

The two-storey rear extension would have the following dimensions:

- Projection/length – 4 metres
- Width – 5.5 metres
- Eaves height – 4.8 metres
- Ridge height – 6.5 metres

The single storey side extension would project from the northern side elevation of the two-storey rear extension and would have the following dimensions:

- Projection/width – 1.85 metres
- Length – 4.3 metres
- Eaves height – 2.4 metres

- Ridge height – 3.8 metres

The extensions would be faced in matching artificial stone and the gable and lean-to roofs would be infilled with matching tiles. Fenestration detailing to the rear elevations of the extensions would consist of windows, glazed bi-fold doors and a Juliet balcony. The side extension would have an access door and small window to its front elevation.

Associated alterations to the dwellinghouse consist of the installation of photovoltaic solar panels to the southern side elevation of the roof, the installation of a new window to the first floor of the northern side elevation of the host dwelling and the installation of an electric vehicle charging point.

The submitted plans demonstrate that a retaining wall would be erected within the rear garden amenity space (to structural engineers' requirements), stating that the existing mounding may be moved back slightly to create more flat patio area.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

No relevant planning history.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 15th November 2023.

In response to publicity, one representation was received which raised the following comments in relation to the proposed development:

- Have no objection to the works but feel this may be an opportunity to increase capacity for parking at the property. Question where the occupiers propose to park when the extension is built as visitor parking off the shared drive is at a premium.
- What provisions have been made for trade material deliveries and trade vehicle parking off the shared driveway during construction?

Consultation Responses.

KC Highways Development Management (informal) – On balance, have no objection to the proposed scheme. Not increasing the number of bedrooms so wouldn't need to directly increase the number of parking spaces and the

existing rear parking space is used informally, with the dwellinghouse not built with the intention of this area to serve as a formal parking space.

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

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) 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2) 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 5.8 of the House Extensions and Alterations SPD refers to two-storey rear extension, setting out that, generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

With regard to the size/scale of the proposed two-storey rear extension at 20 High Brooms, the dimensions are considered to be visually acceptable, in accordance with the design requirements of the House Extensions and Alterations SPD as set out above. The host property is detached, and the extension would project 4 metres from the rear elevation. In addition, the footprint of the extension measures approximately 22.3m³, this is considered

to be subservient when compared with the overall footprint of the host property, which measures approximately 49.3m³. For these reasons, it is concluded that the extension would be proportionate to the size of the original house.

Whilst officer's note that, in this instance, the two-storey rear extension is not set down from the roof pitch of the host property, it is considered that, based on the individual merits of this application site, there would be no design benefit to seeking such an amendment to the proposal. The aligned height of the two-storey rear extension is considered to promote an overall streamlined and harmonised appearance between the host property and extension, not considered to result in undue levels of bulking or massing, given that the extension would not be overtly visible from any public vantage points around the vicinity of the site.

Whilst the extension would retain a separation distance of 2.8 metres from the shared boundary with No. 18 High Brooms, it would only retain a distance of 0.85 metres from the shared boundary with No. 22 High Brooms. In this instance, the design of the extension in relation to shared boundaries is concluded to be acceptable, with the built form of the two-storey extension to align with the linear structure of the host property and the separation distances listed above considered to preserve appropriate standards of residential amenity for neighbouring properties (discussed in greater depth in the next section of this report).

The two-storey rear extension would be faced in matching artificial stone and the gable roof would be infilled with matching tiles.

Fenestration detailing to the two-storey rear extension is considered to harmonise appropriately with the architectural form of the host property, with the proposed Juliet Balcony considered to be an appropriate contemporary addition.

Paragraph 5.17 of the House Extensions and Alterations SPD refers to single storey side extension, setting out that they should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The proposed two-storey side extension would have a width of only 1.85 metres, with the host property having a total width of 5.5 metres. In addition, the extension would have a maximum height of 3.8 metres, with a lean-to roof above, which by form, naturally works to mitigate undue levels of bulking or massing. The extension would be set back from the principal elevation of the host property by 8.5 metres and the extension would retain a separation distance from the shared boundary with No. 18 High Brooms of approximately 1 metre.

The side extension would be faced in matching artificial stone and the lean-to roof would be infilled with matching tiles. The proposed forms of fenestration detailing are considered to harmonise appropriately with the architectural form of the host property.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the host property or wider locality. The associated alterations to the retaining wall at the rear would not materially impact on visual amenity. The proposed development is considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3) 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.

With regard to Key Design Principle 7 of the House Extensions and Alterations SPD, it is considered that the development would retain an appropriate extent of amenity space at 20 High Brooms, with the scheme considered to improve the overall situation on site with the regrading works to the rear.

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. 18 High Brooms:

This property neighbours the application site to the north.

The two-storey rear extension would retain a separation distance of approximately 2.8 metres from the shared boundary and the single storey side extension would retain a separation distance of approximately 1 metre from the shared boundary. Given these separation distances, it is not considered that the works would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 18 High Brooms. This has taken into account that the extension is due south of this property and that the side

elevation and roof of the glazed conservatory to the rear of the property would be somewhat, but not unduly, impacted. Light would still penetrate the conservatory and rear windows in no. 18 in the afternoons. In addition, both the extensions appropriately comply with the 45-degree rule to rear windows – not the side elevation of the conservatory, as set out within Key Design Principle 5 of the House Extensions and Alterations SPD.

No glazing is proposed on the side elevations of the extensions facing towards No. 18. One additional window is proposed to the northern side elevation of the host property, whilst the plans annotate that this window would not impact upon privacy due to been situated adjacent to a frosted glass window to No. 18 High Brooms, to maintain appropriate levels of residential privacy, upon any grant of permission, a condition shall be imposed to obscure glaze this window.

No. 22 High Brooms:

This property neighbours the application site to the south.

The single storey rear extension is to be erected to the northern side of the proposed two-storey rear extension and therefore, is not considered to present any undue impacts to residential amenity with regard to overbearing, overshadowing or overlooking.

Whilst the two-storey rear extension would retain a separation distance from the shared boundary of only approximately 0.85m, given the positioning of an attached garage to the northern side of No. 22 High Brooms, this is considered to be acceptable, with the extension not considered to result in any undue levels of overbearing or overshadowing for the occupiers of No. 22 High Brooms.

In addition, the proposed two-storey rear extension is not considered to cut a line of 45-degrees with any habitable room windows on No. 22 High Brooms. It should be acknowledged that the window on the rear elevation of No. 22, closest to the shared boundary, is not considered to serve a habitable room internally, inserted with the rear wall of the attached garage.

No glazing is proposed on the side elevation of the extension facing towards No. 22 and therefore, its erection is not considered to present any undue impacts of overlooking.

No. 9 Paget Crescent:

This property is located to the rear of the application site.

The extensions would retain a separation distance of approximately 5.3 metres from the rear boundary at the site, with a further separation distance of approximate 11.3 metres retained from the nearest elevation of No. 9 Paget Crescent. Given these separation distances, it is not considered that the

proposed works to No. 20 High Brooms would result in any undue impacts of overbearing or overshadowing for the occupiers of this neighbouring property.

In addition, the elevation of No. 9 Paget Crescent adjacent to the proposed site of development is blank, with no glazing. Therefore, it is not considered that the proposed extension of any of its proposed glazing would result in undue impacts of overlooking.

For these reasons, with the inclusion of the aforementioned condition, the proposed development at 20 High Brooms Gardens is not considered to cause undue harm to the residential amenities of neighbouring properties. The revised raised platform at the rear of the garden and retaining wall would not caused an adverse impact either, as there is an existing raise area of garden to the rear at the present time. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

4) 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.

As part of the determination of this application, an informal consultation was undertaken with KC Highways Development Management, who concluded the following: on balance, have no objection to the proposed scheme. Not increasing the number of bedrooms so wouldn't need to directly increase the number of parking spaces and the existing rear parking space is used informally, with the dwellinghouse not built with the intention of this area to serve as a formal parking space.

It should also be noted that the proposed works to No. 20 High Brooms would not alter vehicle access to or from the property in conjunction with the adjoining highway.

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

5) 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 various 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.

Land Stability

Chapter 15 of the NPPF sets out that landowners/developers are responsible for ensuring a safe development where issues of land instability may arise. This would include the requirement for ensuring the land regrading and new retaining wall are appropriate. A note on plan 108 states that the retaining wall be erected to structural engineers requirements.

6) Representations

In response to publicity, one representation was received. This representation is set out below, accompanied by an officer response:

- Have no objection to the works but feel this may be an opportunity to increase capacity for parking at the property. Question where the occupiers propose to park when the extension is built as visitor parking off the shared drive is at a premium.

Response: As part of the determination of this application, KC Highways Development Management were informally consulted and raised no objection to the proposed scheme with regard to highway safety or parking arrangements. A full assessment of the impact on highway safety is set out within section 4 of this report.

- What provisions have been made for trade material deliveries and trade vehicle parking off the shared driveway during construction?

Response: Matters regarding the physical construction of the development are not considered to be material in determining applications given the scale of development, however, it is likely that separate legislations are in place regarding disturbance from construction relating activities.

7) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2023/92850
Officer Recommendation: Approve

Conditions and Reasons:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

4. The development shall not be brought into use until the first-floor window in the north (side) elevation of the host property, as shown on Dwg Nos. 106 and 108, hereby approved has been obscure glazed. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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.

NOTE: With regard to land stability, it is brought to the applicant / developers' attention that responsibility for securing a safe development rests with the developer and/or landowner.

NOTE: The application site is located in a low coal risk area.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	100	-	25.09.23
Existing and Proposed Front Aerial	101	-	25.09.23
Proposed Rear Aerial	103	-	25.09.23
Existing Rear Aerial	102	-	25.09.23
Existing Ground and First	104	-	03.10.23
Proposed First	106	-	03.10.23
Proposed Ground	105	-	03.10.23
Existing Elevations	107	-	03.10.23
Proposed Elevations	108	-	03.10.23
Design and Access Statement	-	-	27.09.23
Climate Change Statement	-	-	25.09.23

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 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. No amended plans were sought or submitted and as a result, no active engagement was had with the applicant in dealing with this application.

Report Dated: 08.12.23

