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:	**2023/62/92877/W**
Site Address:	12, Tenters Grove, Sheepridge, Huddersfield, HD2 1ER
Description:	Erection of two storey rear extension
Recommending Officer:	Laura Yeadon

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: 21-Nov-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/92877

Site Description

12 Tenters Grove is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from brick and render to the front elevation and render to the side and rear elevations. The property is set back from the roadside, separated by a lawned garden where a parking space has been formed. To the rear is a lawned garden which slopes upwards towards the rear boundary.

Surrounding properties are residential and mainly semi-detached and terraced dwellings with mainly rendered finishes.

Description of Proposal

The application is for the erection of a two storey rear extension.

The application has been submitted following the refusal of previous planning application 2023/90540. This application was for the erection of a single storey and two storey extension to the rear of the property. The proposed single storey extension had an overall projection of 4 metres and 3 metre projecting first floor extension above. The extension was set in from the shared boundary with no. 10 by 0.3 metres.

The application was refused for the following reason:

1. The proposed development by reason of its scale, massing and proximity with the adjoining dwelling to the east, would lead to an unacceptable loss of light causing a detrimental level of overshadowing and would be unduly overbearing and oppressive having a harmful impact upon the outlook of this property contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.

This current application seeks to overcome this reason for refusal.

The proposed extension would be located on the rear elevation of the property. The extension would lie flush with the existing side elevation of the property spanning the width of the rear elevation with a projection of 3 metres. At ground floor level the extension would be set in from the shared boundary by 0.7 metres and at first floor level the extension would be set in by 1.2 metres. The eaves height would match the existing with the hipped roof line following the line of the existing roof and would be set down from the existing ridge by 0.8 metres. It is proposed that the construction materials would match the host property.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2023/90540 Erection of single and two storey rear extension
Refused (see above for reason)

Representations

We are currently undertaking the legal 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 7th November 2023

Parish/ Town Council – not applicable

As a result of the public consultation period one representations have been received with the summary of comments set out below:

- Window in bathroom changed causing noise and intrusive
- Large skip in location of parking space means cars park on road adding traffic to an already small busy street
- Extended kitchen will impose on neighbouring garden
- Impact of noise and dirt on neighbouring dwellings
- No other extensions in street so will look out of place

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

<u>Kirklees Local Plan:</u>

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking

- **LP 24** – Design
- **LP 3**0 - Biodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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, 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 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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).

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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."

- Principle 2 – 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 detail."

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- 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 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of rear extensions, the SPD states:

Section 5.8 goes onto refer to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. 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

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

<u>2 – Impact on visual amenity:</u>

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed extension would be constructed from matching materials which would be in keeping with the host property and neighbouring properties and therefore Key Design Principles 1 and 2 of the SPD. The proposed development would not exceed more than 50% of the total area around the house and therefore is considered to be proportionate to the size of the original house.

The plans have been amended from its previous submission and the projection of the extension would be 3 metres rather than the 4 metres previously applied for. A projection of 3 metres is considered acceptable and would accord with the requirements of the SPD under paragraph 5.8 and has therefore overcome this previous concern.

The proposed works would be set in from the shared boundary with the attached property No. 14 and therefore visually, the proposed extension is considered to be acceptable.

The extension is considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

In terms of overlooking, there are proposed openings within the ground floor side elevation facing No. 10 and a ground and first floor window within the original property. In terms of the additional first floor window, this should be obscurely glazed and a condition requiring this to be obscure can be added to the decision notice. In terms of the ground floor opening within the extension due to being at ground floor and a secondary opening in the dining kitchen, this is considered acceptable but the one in the original dwelling would be the only window to the room and should be obscure glazed. The proposed openings within the rear elevation of the extension would face the garden area of the property and are therefore considered acceptable. The properties beyond the rear garden have a separation distance exceeding the recommended 21 metres which is therefore considered to be acceptable.

In terms of overshadowing and/or being overbearing, the previous scheme raised concerns regarding the impact of the proposal on the attached neighbouring property in terms of loss of light, overshadowing and being overbearing. The proposal seeks to overcome these concerns by setting the extension in from the shared boundary. At ground floor level the extension would be set in from the shared boundary by 0.7 metres and at first floor level the extension would be set in by 1.2 metres.

Whilst the SPD requires two storey extensions to be set in from shared boundaries by 1.5 metres, at first floor the extension is set in from the boundary by 1.2 metres. It is not considered in this instance that the difference of 0.3 metres would be so harmful that there would be sufficient grounds to refuse the application on this basis, taking into account the orientation of the extension to surrounding properties. It is noted that the extension would only be set in at ground floor level by 0.7 metres, however the property benefits from full permitted development rights and therefore a ground floor extension could be constructed up to the shared boundary without by exercising these rights, subject to criteria.

In terms of the impact on No. 10, to the north-west of the property, this was assessed as part of the previous scheme, albeit with a larger projection. It was previously considered that '*the existing rear wall in which the proposal would project out from is located beyond the neighbouring dwelling. Given a distance of 4.5 metres from the extension to this neighbour, it is considered that the neighbour would not be significantly impacted upon in terms of overlooking, overbearing, overshadowing or have their outlook detrimentally impaired.'* As such, and given that the impact of the proposal has been reduced in projection, there are no material planning considerations which have changed since the previous assessment. In addition, the orientation of the properties to one another and the south facing open outlook of both properties has been given consideration.

Therefore, it is considered that the proposed extension has overcome the previous concerns and is acceptable in terms of residential amenity subject to a condition relating to the windows proposed within the existing dwelling. It is considered there will be no significantly undue impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

<u>4 – Impact on highway safety</u>:

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.

In this case the number of bedrooms proposed would not increase and therefore there are no changes to address in terms of highway safety and parking provision. It is noted that a parking space is located to the front of the property and limited on-road parking is available.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

<u>5 – Other matters</u>:

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 pre-dates 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.

The application has been submitted with a Climate Change Statement which identifies that a new boiler and loft installation would be installed and the new south-facing openings will provide solar gain to the property. In terms of the extent of development proposed, these works would be proportionate to the size of the development.

Biodiversity – Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the 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 site is not within a bat alert zone on the Councils GIS system therefore it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a householder development of this scale.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous

mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

One letter of representation has been received with the following being a summary of comments and LPA response:

- Window in bathroom changed causing noise and intrusive

Response: A condition can be attached to the decision notice requiring this to be obscurely glazed

- Large skip in location of parking space means cars park on road adding traffic to an already small busy street

Response: This is not a material planning consideration as this would be a temporary measure to facilitate development

- Extended kitchen will impose on neighbouring garden

Response: The impact on neighbouring dwellings has been assessed above

- Impact of noise and dirt on neighbouring dwellings

Response: This is not a material planning consideration. Matters including nuisance from noise, dirt etc are covered under separate legislation via Environmental Health

- No other extensions in street so will look out of place

Response: The visual impact of the scheme has been addressed above

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: 2023/92877

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall not be occupied until the proposed first-floor bathroom window and the ground floor window in the west side elevation of the original building have been obscure glazed (minimum grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained for the lifetime of the development.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, existing elevations and floor plans	2233/01		26th September 2023
Location plan, proposed site plan, proposed elevations and floor plans	2233/02A		27th September 2023
Climate Change Statement	Appendix A		26th September 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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 20th November 2023

Coal – low