

**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:	2023/62/93066/W
Site Address:	23, Broombank, Birkby, Huddersfield, HD2 2DJ
Description:	Erection of two storey front extension
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

Officer Report

Site Description

2023/93066 – 23, Broombank, Birkby, Huddersfield, HD2 2DJ

No. 23 is a detached, two storey dwelling constructed of artificial stone and cross gable tile roof. It benefits from an integral garage, a driveway in front sufficient for two-three off street parking spaces and a lawned section to the front. To the rear, it has a conservatory and garden.

It is within a residential cul-de-sac with similarly constructed buildings, same palette of materials and a mix of extensions. The cul-de-sac falls from the north to the south. The host's side projection had been previously extended upwards to 1.5 storeys but still retains a roof ridge height lower than the host and is considerably set back from the primary two-storey projection and other properties have staggered roof lines as the cul-de-sac falls down, aiding in creating a visual richness and depth with varied elevations and roofscapes to the streetscene.

Description of Proposal

Erection of two storey front extension

It is proposed to have a two-storey front extension forward of an existing cross gable two-storey side projection and amalgamating it into one with a side gable roof; in addition, it would have a small single-storey front extension with lean-to roof.

This would appear visually smaller than the host achieved by a set down roof ridge height from the host of 0.5m and a set back at ground storey by 0.5m and 1.6m for the first storey from the host's primary elevation. It would take up most of the side of the host with its 5.35m projection from the side.

Openings will be to the front and side consisting of fenestration to harmonise with the host. this would remove a front and rear dormer feature leading to a simplified appearance.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

A planning statement was submitted with the application seeking to overcome the reasons for refusal on 2022/93170 as follows:

The following have been considered in the revised proposal:

1. The ground floor has been set back 0.5m from the host property to comply with the SPD.
2. The internal garage has been increased to 6m x 3m to comply with the minimal space standard. This with the two car parking spaces in the drive will provide a total of three car parking spaces required for a five-bedroom house.
3. The first floor at the front of the property has been set back 1.5m from the host and 1m from the ground floor to break up the massing and mitigate the cramped appearance from the front elevation of no.25. This type of setback between ground and first floor is common feature in the area.
4. The ridge of the extension and eaves have been lowered from the host, so that the extension is more subservient to the original house.

Relevant Planning History

Relevant to specific site:

- | | |
|--------------|--|
| 2001/92182 – | Erection of First Floor Extension.
<i>Approved.</i> |
| 2014/90467 – | Erection of single storey side extension.
<i>Approved.</i> |
| 2021/93787 – | Erection of single storey front extension with external alterations.
<i>Approved.</i> |
| 2022/93170 – | Erection of two storey front extension.
<i>Refused.</i> |

Officer Note: The first floor extension (2001/92182). was over the previously single-storey side gable projection The single-storey side/front extension projected forward of the now two-storey side gable extended projection (2014/90467) and the subsequent application for a single-storey front extension was similarly extended with catslide roof however had a less set back from the primary elevation of the gable end projection (2021/93787).

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: 29/11/2023

No representations have been received.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan. It is within a Bat Alert layer and a Low Coal Risk Area. It is within an indicative critical drainage area and in Flood zone 1.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 05th 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 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 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 – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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”*.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

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.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect

amenity. LP24 also requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design. The proposal seeks to have a larger two-storey side projection subsuming the current 1.5 storey side projection; Officers regard this as both a front extension and side extension as it would bring the side projection forward of the current arrangement.

Paragraphs 5.13-5.14 relate to front extensions (page 27) and paragraphs 5.3, 5.19-5.20 relate to two-storey side extensions (page 28-29) in the SPD. The SPD states that front extensions are highly prominent in the streetscene and would appear particularly intrusive so would not normally be acceptable. Furthermore, front extensions should be small, subservient and well-designed respecting the original character and design of the building and the area ensuring that materials match the original house.

Policy in the SPD regarding two-storey side extension states that these should be visually smaller than the host, which can be achieved by a set back primary elevation and set down roofline to the host. They should also be well screened or set well back from the pavement to reduce impact. They should not take up all or most of the space to the side, leave a 1m gap to the side boundary and be set back 0.5m from the front wall of the house.

The proposal would be set back at ground storey and further at second storey from the primary elevation and have a roof ridge height lower than the host achieving a varied elevational treatment aiding in a visually smaller and subservient design. It would not extend beyond the current side projection so would have a neutral impact on the existing gap to flank property boundary. Materials will be to match the host. The fenestration details would be similar to the host's own.

It would not be well screened as there is no pavement in the estate design and as such, it has the potential to be overly dominant in the streetscene if not well designed. Whilst the proposal would raise the side projection roof ridge and bring its bulk and massing forward closer to the highway, Officers propose that this is acceptable as it would respect the building line of the host and neighbouring properties, would have a varied elevational design visually aiding in breaking up the massing and not appear overly dominant in the streetscene.

The proposal would also retain adequate garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be

acceptable and accord with Policy LP02 and LP24 of the Local Plan, the Key Design Principles in the House Extensions and Alterations SPD and Chapter 12 of the NPPF

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3- 6 of the Kirklees Householder Extensions and Alterations SPD provides guidance to Officers on achieving high standards of residential amenity.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

No. 11 and 15 Broombank

These properties face the host and its proposed two-storey extension opposite the highway. The SPD sets out minimum separation distances for habitable windows facing habitable windows as 21m within paragraph 4.10 which would be comfortably exceeded in this proposal. As such, the separation distance would ensure no harmful overlooking, overshadowing and overbearing impacts.

No. 25 Broombank

This property has a blank side elevation facing the proposed development, is at higher ground in relation to no. 23's and has its rear elevation positioned behind the rear elevation of no. 23. While the proposal would have a substantial addition, this would not be forward of the front elevation of no. 25, or would have any windows facing this property while being due northwest ensuring no harmful overshadowing, loss of light to windows or overbearing impacts. The two-storey extension would change the bulk of the roofline to one that is the same ridge and eaves as the host's gable end projection, as this would be to the north west of the property's rear elevation and not projecting further to the rear; as such considering that it is on lower ground, there would not be additional overshadowing impacts to this neighbour's rear elevation. The increase in height and bulk so close to the neighbouring property would introduce a modest overbearing harm to no. 25 which would be mitigated by the variation in set back elevations and the adjacent blank windowless elevation of no. 25. In consideration, this overbearing impact would not appear so out of keeping or to substantially change the existing

relationship between the properties to warrant refusal on residential amenity on this basis when no other harmful impacts are identified to no. 25.

No. 27 Broombank

The proposed extension would raise the roof ridge height and eaves height of the 1.5 storey side gable projection and would remove an existing rear dormer. There would be an increase in rear openings at ground and first storey facing the corner of the side and rear elevation of no. 27.

At ground floor, there is screening from the shared green rear garden boundary line providing privacy. At first floor, there would not be a substantial additional impact on overlooking over the existing current outlook from the rear dormer and would have a similar separation distance of ~10.3m of openings raised modestly with regard to overlooking or loss of privacy. A new bathroom window will be in operation and given the closeness and nature of its use, Officers recommend that this be obscurely glazed for privacy by condition for high standards of residential amenity.

The separation distance of the proposed raising of the roof and addition of a half storey to this property's west would ensure that no harmful overshadowing or loss of light would impact on this neighbour.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

Subject to the recommended condition on obscure glazing, the proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, the Highways Design Guide SPD advises that a 4 plus bedroom dwelling should have three off street parking spaces to adequately accommodate the intensity of use and to avoid parking on street being oversubscribed. Despite encroachment on parking areas, there would remain two off street parking spaces within the driveway and a garage suitable for modern vehicles to be adequately parked in accordance with the Highways Design Guide SPD and meeting required parking provision. Soft

landscaping within the front amenity area would be retained to avoid an overly hard surface dominant parking area which would comply with paragraph 4.43 of the House Extensions and Alterations SPD. Bin arrangements have not been set out however there remains sufficient space to serve for bin storage without detrimental impact to highway safety for this to be acceptable.

The proposal would comply with Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone however it is within an indicative critical drainage area raising sensitivity for surface water flooding. The proposal does not seek to extend its hard surface for parking and as such would have a neutral impact and would not conflict with Policy LP28 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and Chapter 14 of the NPPF.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are to a new build property which is well sealed and unlikely to provide an attractive roosting potential for bats. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

The modest scale of the proposal would be on an existing hardsurface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

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

Application Number: 2023/93066

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, LP28, LP24 and LP30 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The first floor bathroom window in the northeast rear elevation, shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glass.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP24b of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and 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: 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
Existing Location and Proposed Block Plans.	Drawing no. 0022-001-TI.	B	17/10/2023
Existing Floor Plans.	Drawing no. 0022-100-TI.	A	17/10/2023
Existing Elevation Plans.	Drawing no. 0022-200-TI.	A	17/10/2023
Proposed Elevation Plans.	Drawing no. 0022-201-TI.	B	17/10/2023
Proposed Floor Plans.	Drawing no. 0022-101-TI.	B	17/10/2023
Planning Statement.	Planning Statement. October 2023.	Unamended	17/10/2023
Climate Change Statement	-	-	17/10/2023

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 case officer considered the application on review and sought no amendments as it adequately met Local Plan policies on visual and residential amenity.

Report Dated:

05/12/2023