

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:	2023/62/93231/W
Site Address:	7, Ayres Drive, Cowlersley, Huddersfield, HD4 5TX
Description:	Erection of single storey side and rear extensions and construction of raised platform to rear and associated works
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.

John Holmes

AUTHORISED OFFICER

Date: 05-Mar-2024

Officer Report.

Reference: 2023/93231

Location: 7, Ayres Drive, Cowlersley, Huddersfield, HD4 5TX

Proposal: Erection of single storey side and rear extensions and construction of raised platform to rear and associated works

Site Description.

7 Ayres Drive is a two-storey detached property located in Cowlersley, Huddersfield. The external walls of the property are faced in stone, with render detailing to the principal elevation. The roofing forms are infilled with interlocking roof tiles. The property benefits from on-site parking amenity space to the front driveway and a substantial of outdoor amenity space to the side and rear.

There is a sense of similarity established within the streetscene of Ayres Drive, with the properties sharing the same style of design and construction, two-storey, detached and faced in matching exterior materials.

Description of Proposal.

Planning permission is sought for the erection of single storey side and rear extensions and for the construction of a raised platform to the rear.

The single storey side extension would have the following dimensions:

- Projection – 6 metres
- Length – 8.15 metres
- Maximum height – 4 metres

The single storey rear extension would adjoin to the side elevation of the existing single storey lean-to rear projection and have the following dimensions:

- Projection – 1.95 metres
- Length – 5.45 metres
- Maximum height – 3.3 metres

The raised platform would be located to the rear elevation, to a height of 1.55 metres. A 1.8-metre-high stonework privacy screen would be erected to the side elevation of the raised platform. Glazed balustrade is to be erected around the raised platform.

The roofs above the extensions are to be faced in matching interlocking roof tiles, the external walls of the side extension are to be faced in render and

stonework and the rear extension is to be faced in stonework. The raised platform is to be constructed from a stonework retaining wall to match existing property.

Fenestration detailing would consist of windows, glazed bi-fold doors and roof lights.

An additional area of hard surfacing is proposed to be created to the front of side extension.

History of Negotiations/Amendments Received.

The case officer entered into negotiation with the planning agent / applicant and as a result, the following amendments were made to the scheme:

- Reduced the overall width of the side extension to be 2/3 of the existing host property.
- Overall height of side extension reduced to a maximum of 4m off the external ground.
- Included a 1.8m high privacy screen.

These amendments are shown on the latest plans submitted, which this application is assessed against.

Relevant Planning History.

No planning history at the application site relevant to this planning application.

Representations.

The application was advertised via neighbour notification letters.

Final publicity date expired: 21 December 2023.

In response to publicity, no representations were received.

Whilst officer's note the presence of public footpath (HUD/277/40) adjacent to the front boundary of the site, in this instance, it was not considered to conduct advertisement in the press or via a site notice, as the proposal would not affect the continued use or functionality of the public footpath.

Although amended plans were submitted for this application, it was not considered necessary to carry out re-advertisement. This is because the principal of development remained, with the size/scale of the side extension reduced and a privacy screen installed to improve the impact of the proposal in relation to residential amenity. As such the scheme as advertised was considered to adequately alert the public to the nature of the proposed development.

Consultation Responses.

No consultations were deemed necessary.

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).

Public Footpath (HUD/277/40) runs adjacent to the front boundary of the site.

The site is Allocated within the River Colne Corridor Strategic Green Infrastructure Network.

Whilst officers note that land to the east of the site is within the Green Belt in the Kirklees Local Plan, given that development will be retained within the parameters of the site itself and does not encroach into the Green Belt, it is not considered that any further assessment of the impacts to this allocation are considered necessary in the case of this planning application.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 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 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

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) 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.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places), 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 135 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.

Section 5.1 of the House Extensions and Alterations SPD focuses on rear extensions, with paragraph 5.6 of the SPD setting out that single storey rear extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and

- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed single storey rear extension would be subservient in size/scale, with a projection of only 1.95 metres and a maximum height of 3.3 metres. It would harmonise with existing features at the property, to adjoin to the side elevation of the existing single storey lean-to rear projection and share the same dimensions and exterior construction materials.

The proposed raised terrace and privacy screen are to be constructed from stonework to match the existing property.

Section 5.3 of the House Extensions and Alterations SPD focuses on side extensions, with paragraph 5.17 of the SPD setting out that single storey side extensions 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 size/scale of the proposed single storey side extension is considered to be compliant with the design recommendations of the House Extensions and Alterations SPD, it would not extend more than two thirds of the width of the original house, it would not exceed 4 metres in height, and it would be set back 0.5 metres. As such, the size/scale of the side extension is considered to be subservient to the host dwelling.

With regards to materials, the side extension is to be faced in render and stonework, both to match the existing property.

A condition is recommended to ensure the construction materials match those used in the construction of the host property. On the basis of the inclusion of such a condition the proposal is considered to have an acceptable appearance with regard to materials of construction.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. 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.

2) 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 135 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.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal will retain an appropriate extent of outdoor amenity space at 7 Ayres Drive.

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. 5 Ayres Drive:

Firstly, the side extension is to be located to the opposite side of the host dwelling to the siting of No. 5 and it would be retained behind the existing built form of the host dwellinghouse. As such, the side extension is not considered to pose detriment to the residential amenity of No. 5 Ayres Drive.

With regard to the rear extension, this is to retain a separation of 1 metre from the shared boundary with No. 5 and the majority of the additional built form will sit adjacent to the solid side elevation of No. 5, with the extension to exceed the lean-to projection at No. 5 by only approximately 0.3 metres. Therefore, these dimensions and measurements work to conclude that the rear extension would not result in any significant undue impacts of overbearing or overshadowing.

Officers note that the proposed rear extension is considered to appropriately comply with the 45-degree rule as set out under Key Design Principle 5 of the House Extensions and Alterations SPD.

With regard to the stone privacy screen, this is also to retain a separation of 1 metre from the shared boundary with No. 5 and would also comply with the 45-degree rule. As well as this, the privacy screen would work to ensure that an appropriate level of residential privacy is retained, mitigating undue impacts of overlooking from the proposed raised platform. The impact of this screen is not considered to be unduly oppressive / overbearing given the size and scale it would be, and the distance sited from no.5.

No. 83 Warneford Road:

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

The proposed developments would retain a minimum separation distance of approximately 11 metres from the shared boundary with this neighbouring property.

This extent of separation works to conclude that the developments would not result in any significant undue impacts of overbearing and/or overshadowing.

In addition, given this extent of separation and the fact that a raised platform has previously been established to No. 7 Ayres Drive, it is not considered that the works would result in any undue impacts to residential privacy, over or above the existing relationship of privacy between these two neighbouring properties.

For these reasons, the proposed development at 7 Ayres Drive is not considered to cause undue harm to the residential amenities of neighbouring properties. 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.

3) 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.

The submitted floor plans show that the property is to have 6 bedrooms following development. The scheme includes the extension of the existing parking area to the front of the site, to provide a total of 3 on-site parking spaces.

Guidance sets out that 4+ bedroom properties should provide 3 off-street parking spaces. Therefore, the provision of 3 parking spaces is considered to be in accordance with guidance.

Upon any grant of approval, a condition will be imposed regarding the additional hard surfacing, for reasons of drainage.

With the inclusion of the aforementioned condition, the proposed developments to 7 Ayres Drive 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.

4) 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.

Contaminated Land:

The site is located within the 'Historic Landfill 250m buffer' layer on the Council's GIS mapping system.

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan and paragraphs 180 and 189 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Paragraph 190 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

Upon any grant of approval, a condition would be imposed regarding unexpected contamination.

Subject to the inclusion of this condition, the proposal is considered to be acceptable in this regard.

Public Footpath:

Given that the proposed extension would not prejudice the function, continuity or implementation of footpath HUD/277/40 as a walking or cycling network, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan.

5) 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: 2023/93231
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, LP23, LP24, LP30, LP51 & LP53 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, 12, 14 & 15 of the National Planning Policy Framework.
3. The raised patio shall not be brought into use until the 1.8 metre stonework privacy screen as shown on the submitted drawing titled 'Proposed Elevations' ref: 22RevB has been constructed to the north western elevation of the raised terrace, along the shared boundary between No. 5 and No. 7 Ayres Drive. The privacy screen shall thereafter be retained.
Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the policies within Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and policies within Chapter 15 of the National Planning Policy Framework.

5. The extensions hereby approved shall not be brought into use until the extended driveway as indicated on the submitted drawing titled 'Proposed Site Layout' plan ref: 200revA has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

6. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations

Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	100	-	01.11.23
Existing Elevations	120	-	01.11.23
Existing Floor Plans	110	-	01.11.23
Proposed Site Layout	200	A	22.02.24
Proposed Floor Plans	210	A	22.02.24
Proposed Elevations	220	B	22.02.24
Climate Change Statement	-	-	09.11.23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In response to the case officers' recommendations, an amended plan was submitted.

Report dated:

04.03.24

