

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:	2023/62/93246/W
Site Address:	22, Burniston Drive, Oakes, Huddersfield, HD3 3PR
Description:	Erection of single and two storey extensions
Recommending Officer:	Joanna Rednall

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: 11-Jan-2024

THE SITE

22 Burniston Drive is a two storey semi detached dwelling located in the wider residential area of Oakes, where surrounding properties share similar architectural and design features. Neighbouring dwellings are set along the same building line on similar ground levels. Exterior construction materials consist of stone and render for the walls and concrete tiles for the hipped roof. The front of No.22 hosts a driveway with a small lawned garden. The main amenity space of the dwelling is a lawned garden at the rear. Boundary treatments consist of fences and hedges.

THE PROPOSAL

The applicant is seeking planning permission for the erection of two storey side and single storey rear extension.

Rear extension

The proposed development would have a projection of ~4.3 metres and a width of ~8.5 metres and a height of ~2.7 metres. The rear extension would have a flat roof with glazed skylight with sliding folding doors on the rear (north-east facing) elevation. The construction materials would be render to match the existing dwelling.

Side and front wraparound extension

The two storey side extension would project ~2.7 metres from the side (north-west facing) elevation and have an overall length of ~12.8 metres along the side elevation. The total height of the two storey side extension would be ~7 metres and have a hipped roof with the ridge set ~0.2 metres below the existing.

The side extension includes a ~1.2 metre single storey front extension that has a width of ~5 metres, an eaves height of ~4.8 metres with a total height of ~3.5 metres to the ridge of the hipped roof. The roof would be constructed using concrete interlocking roof tiles in grey to match the main roof finishes.

A front extension comprising a porch and part of a play room is proposed. This extends 1.2m forward of the principal front wall of the dwelling and is around 4.70m in width. It would have a hipped roof extending to a ridge height of 3.50m. It would have a front window in the playroom section and door and windows in the front and side of the porch.

The exterior construction materials would be coursed natural stone to the front elevation and render on the side and rear elevations. The roof would be concrete interlocking roof tiles for the front and side extensions and rubber ply membrane for the flat roof rear extension.

The attached single garage would be demolished as part of the proposed works. Part of the front boundary wall would be demolished to form an additional parking space to replace the parking lost, in theory, by the garage.

HISTORY OF NEGOTIATIONS/ AMENDED PLANS RECEIVED

The agent was contacted regarding the rear and side projection and roof design. Amended plans were received with a hipped roof on the front extension and the side projection was decreased to maintain a 1 metre gap between the extension and boundary line.

A rationale for the scale and design of the single storey rear extension was submitted.

PLANNING HISTORY

There is no planning history for the site which is considered relevant to the current proposal.

PUBLICITY & REPRESENTATIONS

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 18th December 2023. No representations have been received as a result of this publicity.

The amended plans were not re-publicised as these reduced the scale of the submitted scheme.

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

The site is unallocated in the adopted Kirklees Local Plan.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design

LP30 – Biodiversity
LP51 – Air Quality

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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

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

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. 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 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 case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

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.

Assessment

The property is located on a residential street surrounded by similarly aged properties. A number of these properties have been extended or altered in some way over the years. It is therefore considered that dependent on scale, design and detailing, it may be acceptable to extend the host property.

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out in paragraphs 5.15, 5.16 and 5.22 on pages 28 and 30 (and listed below)

- Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties;
- Positioning windows to minimise or avoid any potential overlook into neighbouring gardens;
- Not take up all or most of the space to the side of a house;
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- Be set back at least 500mm from the front wall of the house.

The host property and its associated curtilage are of a sufficient size to support the proposed extension and alterations without amounting to overdevelopment. Furthermore, a reasonable amenity space would be retained at the rear of the property, and as such the scale of the proposed extension and alterations are considered to be acceptable. In addition, the exterior walls of the front elevation would be constructed from coursed natural stone to match the existing dwelling. The hipped roof on this extension would be hipped which would result in a cohesive design that complements the host dwelling, complying with Key Design Principle 2 of the SPD.

The proposed two storey side extension would have two windows and a door on the north-west facing elevation. These are considered acceptable in this case as there is an existing window on the north-west elevation, and neighbouring property No.24 has a similar design of a door and window facing the application property. The extension maintains a 1 metre gap to the side boundary of this neighbour and maintains external access to the rear garden which is acceptable. In addition, the roof design would be hipped to follow the form of the existing roof, and ridgeline would be ~0.2 metres below the existing roof to allow for a visual break. The side extension is set back 600mm from the front face of the building.

Single storey rear extension.

The SPD states that rear extensions of this scale should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained: Yes
- Be set behind the original building, and not projecting beyond the sides No, but acceptable as set behind the proposed side extension
- Maintain external access to the rear garden: Yes
- be in keeping with the scale and style of the original house: discussed below
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings): Yes
- not exceed 4 metres in height: yes
- where they exceed 3m in length the eaves height should generally not exceed 2.5m: No, but only just above with a flat roof.

- not project out more than 3 metres from the rear wall of the original house for semidetached and terraces houses or by 4 metres for detached properties
- Maintain a 1m gap from a property boundary: No – discussed below

In terms of the rear single storey extension, the projection would be ~4.3 metres which exceeds the SPD guidelines in paragraph 5.6. Given the size of the rear garden, there would be ~15 metres from the extension to the rear boundary therefore would not cover more than half of the total area around the original dwelling. In addition, although the extension would exceed 3 metres for semi-detached dwellings, the height of the eaves would not excessively exceed 2.5 metres. The rear extension would be single storey in height with a flat roof to mitigate the impact of scheme and it would be seen against an extension at no. 20.

Justification for an extension of this scale has been submitted with the application. This states:

“Rear extension rationale – we note the guidance and it does say (suggested) 3m although experience tells as does the SPD guidance that it is not always a rigid rule.

The guidance does seem to indicate a degree of latitude when considered alongside the 50% rule which this proposal does not exceed even based on 4m.

Under prior notification extensions up to 6M on semi’s and 8M on detached can be considered to the rear.

Given the customer could potentially apply for up to 6m on a single storey extension under prior notification process - we felt it best to have a more balanced set of extension proposals under one singular approach and one application.

On balance then we felt the 4m projection on a single storey basis only was not outside the scope of current planning policy.

No rear projection at second storey height is proposed in this instance which also mitigates any impact on adjoining neighbours.

Given the proposal has a flat roof ~2.5m in height it does not create overshadowing with No. 20.

We were also trying to work the extension around a specific kitchen design the customers had in mind”.

In this particular case, given there might be a fallback position, the limited height and impact on the neighbouring properties, the submitted scheme for the rear extension is deemed acceptable.

The front extension is small in scale and, as amended, well-designed in conjunction with the other extensions. It would not adversely impact on the neighbouring residents, as set out in the next section.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House

Extensions and Alterations SPD, and advice within 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.

Assessment

No.20 Burniston Drive

No.20 is the attached neighbour to No.22 on the south-east facing elevation. The rear extension would project ~1.5 metres further than the extended rear projection of No.20. The design of the extension being single storey with a flat roof is likely to mitigate the impact of overshadowing on this neighbour. The two storey extension would be level with the existing rear elevation of both dwellings so this would be unlikely to cause detrimental impact on overshadowing and loss of light. The front extension is well separated from this neighbour. Although it contains a side facing window, this only serves a porch and is partly screened by an existing bay window.

24 Burniston Drive

No.24 is a two-storey, semi detached dwelling that neighbours No.22 on the north-west facing elevation. No.24 is set on the same building line and shares similar architectural and design features to the application property. The side extension, including that element that projects forward of the dwelling, would leave ~1.5 metres between the shared boundary, which is acceptable with regard to the SPD. The proposed works include two ground floor windows on the north-west facing elevation to serve a downstairs bathroom and utility room. No.22 has one ground floor and one first floor window that appear to be non-habitable rooms, a downstairs bathroom and an upstairs hallway, so the proposed works are unlikely to have detrimental impact on privacy of this neighbour or undue overshadowing or overbearing impact.

In terms of the single storey rear extension, this neighbour benefits from a detached garage in the rear garden that is ~5 metres long along the shared boundary with No.22. This would mostly obscure and mitigate the impact of the rear extension.

No. 39 Goldington Drive

No.39 neighbours the application property on the rear boundary. The proposed works would include 5 openings directly facing this neighbour. However, a ~30 metre separation distance between the extension and the rear elevation of this neighbouring property is achieved, complying with Key

Design Principle 3 of the SPD and would mitigate the impact on privacy, overshadowing or overbearing.

No. 37 Goldington Drive

This neighbour is located on the rear boundary of No.22. The proposed works would include 5 openings directly facing No.35. A separation distance of ~30 metres is also achieved, between this dwelling and the proposed extension and complies with Key Design Principle 3 of the SPD. Boundary screening is also in place.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

Significant amenity space would be retained in accordance with KDP 7 of the SPD.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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.

Assessment

The proposed works would result in the garage being demolished for a play room, utility room, and an upstairs bedroom. This garage is around 2.5m in internal width and unsuitable for a modern vehicle. The dwelling would host 4 bedrooms and would need to provide 3 off-street parking spaces to comply with KDP 15. Part of the front boundary wall would be demolished and gate pillar would be removed to form an additional parking bay to replace the lost garage space, resulting in a maximum of two vehicles parking on site, with potential for one on-street parking space. On balance this is considered acceptable.

Any new hard surfaced parking spaces will be required to have a permeable surface to avoid surface water run-off and in the interests of highway safety.

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.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principles 14 and 15 of the SPD and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area and would have significant impact on the existing roof, this appears to be well-sealed and unable to support a reasonable likelihood of roosting bats. It is therefore considered unlikely that the proposals would have an impact on the bat population. 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.

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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. This includes key design principles 8-11 of the SPD.

The CCS states that an EV charging point would be installed, materials re-used, improved insulation to the gable wall and SUDs for the parking areas.

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.

6 – Representations:

None 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 Powers

Application Number: 2023/93246

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 91 of the Town and Country Planning Act 1990 (as amended).

1. 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, LP24, LP30 and LP51 of the Kirklees Local Plan, Key Design Principles of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

2. The extension shall not be brought into use until all new hard surfaced areas to the front of the dwelling, as shown on the proposed plans have 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 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for the parking thereafter.

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking, to mitigate flood risk through surface water run-off and to comply with Policies LP21, LP22, LP24, LP28 of the Kirklees Local Plan, Key Design Principles 14 and 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 12 and 14 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			7 th November 2023
Climate Change Statement			7 th November 2023
Existing Plans and Elevations	DL826 01		7 th November 2023
Proposed Plans and Elevations	DL826 02	B	5 th January 2024
Justification Statement	email		21 st December 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. Amendments were sought to amend the scale of the side extension, design of the front extension and justification for the projection and design of the rear extension. This decision is based on the amendments and justification received.

Report Dated: 11th January 2024

