

**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:	2023/62/93286/W
Site Address:	25, Avison Road, Cowlersley, Huddersfield, HD4 5TL
Description:	Erection of two storey side and single storey rear 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: 23-Jan-2024

2023/93286

THE SITE

25, Avison Road is a two-storey semi-detached dwelling. The dwelling is constructed from brick on the ground floor and pebbledash render on the first floor front and mixture of render and brick to the side and rear. The property has a hipped roof with concrete infill tiles. The application property is located on a higher elevation than the highway with the main amenity space being a lawned garden to the rear of the dwellinghouse.

THE PROPOSAL

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

Two storey side extension

The measurements of the extension are as follows:

- ~2.8 metre side projection
- ~7.2 metre length
- ~5.8 metre eaves height
- ~8.1 metre ridge height
- The ridge height would be set ~0.2 metres below the host dwelling.

The side (north-east facing) elevation would be set ~0.9 metres from the shared boundary with No.23.

The ground floor would be constructed from brick and the first-floor front elevation would be faced in render. The proposed works would provide a ground floor store, bathroom and play room, as well as an upstairs bedroom with en-suite and a walk-in wardrobe.

Single storey rear extension

The measurements of the rear extension are as follows:

- ~2.1 metre projection
- ~5.4 metre width
- ~2.2 metre eaves height
- ~3.2 metre ridge to the lean-to roof

The single storey extension would serve as a utility room. It would have two roof lights with a window and door in the ground floor rear elevation. The side elevation of this extension would be ~3 metres from the shared boundary with No. 27 Avison Road.

The existing ~2 metre by ~2 metre rear lean-to would be demolished prior to the proposed works.

PLANNING HISTORY

- 27, Avison Road - 2000/92108 Erection of 2 storey extension
Conditional full permission

HISTORY OF NEGOTIATIONS/ AMENDMENTS RECEIVED

Request for justification of side extension projection not meeting SPD guidelines.

This was received and states:

We attempted to step the extension back by 500mm but in doing so, we could not get a door into the playroom. We opted to still step it back but at a shorter depth in order to ensure the layout could be achieved, whilst also making the extension subservient to the host dwelling.

In terms of Principle 15 – the extension does not increase the total amount of bedrooms. The original Bedroom 3 will become a study due to its restrictive size and non-compliance with current standards. If off street parking is required for this proposal, I can discuss with my client.

Principle 16 – Bins will be stored to the side / rear of the property, so no change to the existing circumstances.

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 21 December 2023. No representations were made as a result of this publicity.

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

The site is located within Cowlersley but is otherwise unallocated in the adopted Kirklees Local Plan.

Local guidance and policy is provided by the Kirklees Local Plan (adopted December 2023) 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

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:

-

- 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
- 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.

Two storey side extension

The Kirklees SPD sets out that two storey extensions should comply with certain parameters set out at paragraph 5.20 and 5.29 on page 30 (and listed below)

- 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;
- Be set back at least 500mm from the front wall of the house;
- Ideally be visually smaller in relation to the original house;

- Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- Have a roof design that follows the form of the existing roof;
- Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

The extension would appear visually smaller in relation to the original house. However, the 300mm set back would not comply with the parameters set out above. This design has been justified by the agent to facilitate sufficient internal space for a door into the playroom, and it is considered that the proposed 300mm would be sufficient in this case and would appear well-proportioned in relation to the existing dwelling. The roof design would be hipped to match the host dwelling. In addition, the roofline of the side extension would be approximately 200mm below the existing which would likely complement the design and reduce the overbearing appearance of the extension on the street-scene. In terms of the existing streetscene, the extension would likely balance the appearance of the two-storey extension at the attached neighbour No. 27 Avison Road (ref:2000/92108). In terms of visual amenity, this would likely balance and be proportionate to the existing dwelling and the street-scene and would comply with the Key Design Principles 1 and 2.

The extension would retain approximately an approximate 0.9 metre gap between the side elevation and the shared boundary with No. 23. This neighbour is approximately 1.6 metres from the shared boundary, therefore it is unlikely that the extension would create an overbearing and terracing effect. Rear access to the garden would be retained and it is unlikely it would benefit the visual amenity by reducing the side projection by ~0.2 metres, and would therefore comply with KDP 1 and 2 of the SPD.

Single storey rear extension

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.1 and 5.6 on pages 23 and 24 (and listed below):

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides;
- Maintaining external access to the rear garden;
- 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;
- Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

The rear extension would be adjoined to the rear of the two storey side extension, creating a ground floor 'wraparound' extension. Due to this, the side extension would be set behind the original and extended building and would not project beyond the sides. Over half of the garden area would be retained and external access to the rear garden would be maintained. The proposed external materials would be brick and render to match the existing dwellinghouse, complying with Key Design Principle 2.

The rear extension would not project out more than 3 metres from the rear wall of the original house and it would have a total height of ~3.2 metres, complying with the parameters set above. The roof would be lean-to design which is typical for single storey rear extensions and would be subservient to the host dwelling. This extension would be ~3 metres from the boundary with No.27 which is acceptable.

It is therefore considered that in terms of visual amenity, the proposed single storey rear and two storey side extension 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.

Impact on 23, Avison Road

No.23 is a detached bungalow on the side (north-east) facing elevation of the application property. This neighbour has a window on the side (south-west facing) elevation which would be approximately 2 metres from the side elevation of the extension. A first-floor window is proposed on the south-west facing elevation on the application dwelling which would serve a bathroom. However, it was confirmed by a site visit that the window on No.23 is obscure glazed and would therefore be highly likely to be a window for a non-habitable room. This would mitigate the impact of privacy despite the 12-metre recommended distance not being met, complying with KDP 4. In addition, the proposed window at No.25 would be on the first floor and would not directly face any opening at this neighbour.

In terms of Key Design Principle 5 and 6, the rear elevation of No.23 extends approximately 3 metres further than the proposed at No.25, and the proposed two-storey extension would not project beyond the existing rear elevation of the application property. Due to this, the proposed works are unlikely to have an unduly overbearing impact on the rear amenity space at No.23, noting that the extension is two-storey adjacent a single storey dwelling. The level of light to a rear facing dormer may be slightly reduced, but this window would retain an open outlook. In addition, the small rear extension to No.23 is likely to block any impact the rear extension may have on loss of light on the rear amenity space, and would comply with KDP 3, 5 and 6.

Impact on 27, Avison Road

No.27 is attached to the application property on the south-west boundary. The rear single storey projection of this neighbour is approximately 3.5 metres further than the application property which is likely to mitigate the impact of overbearing, overshadowing, and the impact on loss of light of the proposed rear extension. This would comply with KDP 5 and 6. As the two-storey extension is located on the opposite side of No.25, it is unlikely that this extension would have impact on residential amenity of this neighbour. Furthermore, there are no openings facing this neighbour and with a ~3 metre gap between the extension and the boundary maintained, it is unlikely for the extensions to have detrimental impact on the privacy enjoyed by this neighbour, complying with KDP 3 and 4.

Impact on no. 46 Avison Road

This is a single storey dwelling at a lower ground level on the north-west side of Avison Road. Separation distances would be retained and due to the differences in levels between the application property and this dwelling, it is likely that the extension would look over, rather than over look the bungalow.

There are no properties located on the rear boundary.

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.

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.

Key Design Principle 15 states extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. As the dwellinghouse consists of 3 bedrooms, it would be required to provide 2 off-street parking spaces. However, it is noted that the existing dwelling has no off-street

parking available. Furthermore, no new bedrooms are proposed as part of the development therefore the level of parking/lack of parking space would be unaffected and would comply with KDP 15. The creation of parking spaces would likely cause an issue with highway safety due to the topography of the site and intervisibility with pedestrians. It would also impact on visual amenity through the loss of the garden area.

It is also noted that there is no level space within the site boundary to accommodate bin storage, but it would be possible to drag these along steps to the rear of the property 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, principle 15 of the Council's Street Design Guide 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 the proposal would impact on the roof, the proposals are relatively modest, and 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 KDP 8-11 of the SPD.

A Climate Change Statement has been submitted with the application

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: 2023/93286

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 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 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

2. 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 in accordance with Policies LP01, LP02 & 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			13/11/23
Climate Change Statement			13/11/23
Proposed elevations	21130-04A		13/11/23
Existing elevations	21130-02		13/11/23
Existing floor plans and location plan	21130-01		13/11/23
Proposed floor plans and block plan	21130-03A		13/11/23

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted, with the agent's additional justification statement.

Report Dated: 22/01/24

