

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:	2023/62/93292/W
Site Address:	26, Wyverne Road, Golcar, Huddersfield, HD7 4BY
Description:	Demolition of conservatory and garage and erection of single storey rear and side extension and carport canopy
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.

John Holmes

AUTHORISED OFFICER

Date: 02-Feb-2024

THE SITE

26, Wyverne Road is a two-storey semidetached dwelling where surrounding development shares similar design and construction materials. The property has a hipped roof with black concrete infill tiles, and the exterior construction materials consist of brick. The main amenity space is to the rear where the dwellings hosts a modest-size lawned garden.

To the rear of the dwellinghouse is a conservatory with a detached garage on the east-facing boundary.

The site currently hosts a conservatory to rear, pre fabricated concrete sectional garage sited to the rear of the driveway and a free standing canopy which is affixed to the side of the host property and also supported by free standing poles. The existing garage and canopy have a sectional concrete roof.

THE PROPOSAL

The applicant is seeking planning permission for the demolition of a conservatory and garage and erection of single storey rear and side extension and carport canopy. The rear and side extension would be adjoined to form a L shape extension. Internally, the rear extension would create additional living accommodation for the host property and the side extension would be used as a bike store, wet room and utility room. The measurements of the scheme are as follows:

Single storey rear extension

- ~1.3 metres in projection
- ~2.7 metres in length
- ~3 metres in overall height

Single storey side extension

- ~2.9 metres in projection
- ~1.6 metres in width
- ~3 metres in overall height

Carport canopy

The carport canopy would project ~2.5 metres from the side (east-facing) elevation of the dwelling. The length of the canopy would be ~6.5 metres along the side elevation, leaving approximately 1.5 metres between the end of the canopy and the proposed side extension.

Timber Fence

A ~1.6 metre high solid timber fence would be constructed along the shared west-facing boundary. This would have a total length of ~9.3 metres from the rear elevation of the dwellinghouse to the rear boundary of 26, Wyverne Road.

Demolition of conservatory and garage

The proposed works would demolish the rear conservatory. The conservatory has a projection of ~2.4 metres and a width of ~4 metres. The garage is sited along the east-facing boundary with an external length of ~5.5 metres and width of ~3.2 metres.

PLANNING HISTORY

None

HISTORY OF NEGOTIATIONS/ AMENDMENTS RECEIVED

Multiple discussions have been held with the agent regarding the size of the proposal and the impact on neighbouring properties. Final amended plans were sought and provided which reduce the rear projection to no greater than the existing garage. Justification for the scheme, in terms of the width of the side extension, was provided and raised the following points:

- The extension would be the same width as the existing garage.
- The proposal would link the built forms where massing already exists.

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 20th 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 Golcar but is otherwise 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

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

2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. 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.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.6 of the SPD relates specially to single storey rear extensions and provides the following guidance:

5.6 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 metres; and*
- *Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge*

The proposed extensions would be finished with brick to match the host dwelling and surrounding dwellings. Both the rear and side extensions would not exceed 4 metres in height and would comply with the above. The proposed works would not cover over half the total area around the original house as an acceptable level of both front and rear gardens would be retained. The proposed rear extension would be sited less than 1 metre from the shared boundary. Although this is not in line with the adopted SPD's guidance, given the projection is ~1.3 metres, there is a realistic fall back this element of the proposal could be achieved through permitted development in any event.

In terms of the side extension, a 1 metre gap from the property boundary would not be retained. The proposed works would retain ~0.2 metres on the east-facing boundary and ~0.3 metres on the west-facing boundary. The proposed design has been justified by the agent as it would be the same width as the existing garage and the two extensions would '*link built forms where the massing already exists*'. In this case, as the width of the garage would not change as a result of the development, the boundary gap is considered acceptable. In addition, while a ~0.8 metre gap would be retained between the rear elevation and the rear boundary of the site, this is considered acceptable as it would follow the footprint of the existing garage.

Section 5.17 of the SPD provides guidance specifically on single-storey side extensions:

5.17 Single storey side extensions should be offset and complement the original building. As such, 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 width of the proposed side extension would be ~1.6 metres which is considered to be acceptable. The proposed works would not exceed a height of 4 metres and it would be set back at least 500mm from the original building line. In terms of the carport canopy, the width would be less than two thirds of the width of the original house and it would not exceed a height of 4 metres. It would be set back ~1 metre from the original building line and would therefore comply with the parameters above.

The extensions would be flat roofed with a lean-to canopy serving the carport. Although this roof differs in design, given this is for a rear and side extension is it not considered that the roof design would have negative implications on the street scene appearance.

Furthermore, there are a number of factors which are considered to be applicable in terms of justification for the development. In particular the fact the proposal is replacing additions already present on site and in place, albeit the existing additions are of a more temporary design and structure. Furthermore, a large amount of the development which is proposed would be of a size and scale which could be achieved by utilising permitted development rights.

It is therefore considered that subject to condition the walls of the extension are construction with materials which match those used in the construction of the existing dwelling, in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and policies within chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

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

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that *“extensions and alterations should be designed to achieve reasonable levels of privacy or both inhabitants, future occupants, and neighbours”*
- Principle 4 – that *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook”*.
- Principle 5 – that *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*

- Principle 6 – that “*extensions and alterations should not unduly reduce the outlook from a neighbouring property*”.

28 Wyverne Road

This dwelling is adjoined to No 26 on the west-facing elevation. The proposed rear extension would project ~0.2 metres further than the rear conservatory at this neighbour. This neighbour would not have their privacy significantly impacted due to there being no windows within the side elevation. In addition, given the projection would increase by 0.2 metres, it is not considered to cause undue overlook or overshadowing on the rear amenity space. Weight is afforded to the fact that a single storey rear extension could be undertaken in any event by utilising pd rights and this would be a realistic fallback of the proposed works.

The proposed solid timber fence would

In terms of the carport canopy, as it is located on the east-facing elevation it would be separated by the application dwelling, therefore would not cause any material overbearing, overshadowing and overlooking on this neighbour.

The proposed doors in the west-facing elevation would face the rear garden of this neighbour. Given that the doors would be glazed and they would serve a 'bike store', it is not considered to have an adverse effect on the level of privacy currently enjoyed at this dwelling. Due to this there would be no material overbearing, overshadowing and overlooking upon this neighbour's amenity, as a result of the works proposed.

24, Wyverne Road

This neighbour is located on the east-facing elevation. In terms of the side extension the proposed works would be sited in the same location with the same width and height as the existing garage. The rear garden of this dwelling also hosts a similar size garage to the application property. Given that the proposed extension would have a flat roof and would be screened by the garage at No 24, it is not considered that the proposed extension would cause any undue overbearing and overshadowing upon these neighbour's amenity.

Regarding the rear extension, it would be sited ~ 2.5 metres from the shared boundary with blank elevation which is acceptable in terms of privacy and overbearing.

The carport canopy would be unlikely to cause undue overshadowing, overbearing, or impact the privacy of this neighbour.

It is therefore considered that in terms of residential 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.

The number of bedrooms would not change as a result of the development, therefore there would be no additional requirement of off-street parking at the dwelling.

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. The nature of the structures to be removed, and the development proposed, is such that the impact upon protected species, ecology and habitat is not considered to be significant in this case.

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. The extension would be constructed from stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change. A climate Change Statement has been submitted with this 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: 2023/93292

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).

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 & 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

3. The external walls of the extensions 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 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			6/11/23

Plan Type	Reference	Version	Date Received
Climate change statement			6/11/23
Location plan	2145		6/11/23
Existing plans and elevations	2145 01		6/11/23
Proposed plans and elevations	2145 02	A	01/02/24

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. Final amended plans were sought, and provided, reducing the rear projection to no greater than the existing garage.

Report Dated: 30/01/24