

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:	2023/62/93305/E
Site Address:	6, Lea Drive, Shepley, Huddersfield, HD8 8HA
Description:	Erection of first floor extension above existing garage, alterations to an existing porch roof, internal and external alterations
Recommending Officer:	Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 06-Mar-2024

OFFICER REPORT

Site Description

6 Lea Drive is a detached, dormer bungalow with a mix of brick, timber cladding, upvc cladding a slate cladding. The dwelling has a road facing gable with dormers in the side elevation. There is an attached garage set back from the front elevation at the side of the property. The dwelling has a drive and gardens to the front with a larger, enclosed garden to the rear of the property.

The surrounding properties are similar in terms of age although there are variances in terms of style.

Description of Proposal

The applicant is seeking permission for an extension over the garage with canopy over front, alterations to existing porch with associated alterations.

The extension over the garage would have a road facing gable no closer to the road or the adjacent dwelling with a dormer in the side roof plane. The plans also show a single storey rear extension with a lean to roof form and roof lights. This would project an additional 1.5m to the rear of the garage. The plans indicate the front of the garage would become a store with a home office to the rear and within the extended area. The first floor accommodation would form a bedroom. There would be a canopy across the front of the store.

The existing porch on the opposite side of the property would be altered to include a new lean to roof form.

The application form states that the walls of the extensions and the main house would be rendered with tiles for the roof coverings.

Relevant Planning History

None

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The initially submitted plans raised concerns in terms of the potential impact on the adjacent neighbour. Amended plans have been sought and received which reduced the level of development to the side of the

property. The amended plans were advertised by Neighbour Notification letter.

Representations

The application was advertised by neighbour letters, which expired on 19/12/2023.

As a result of the above publicity, 1 representation has been received. The material planning matters raised are summarised as follows: -

- Loss of light to the neighbour's windows.
- Overbearing and oppressive impact.
- Out of character with the area.

Although other matters have been raised which include the accuracy of the plans and the potential for a precedent to be set, these are not material planning considerations and as such, cannot be considered.

Neighbour Notification letters were sent out regarding the amended plans giving until 04/03/2024 to comment. One further response was received which reiterated the initial concerns in terms of overshadowing and raised an additional consideration in terms of overlooking.

Consultation Responses

Kirkburton Parish Council – 'No comment'

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 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

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The proposal under consideration consists of 5 distinct elements which shall be addressed below.

Canopy

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The scale of the canopy is limited and set back from the main front elevation. The materials proposed are to match. The canopy is therefore considered to be acceptable in terms of visual amenity.

First floor side extension with dormer

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The scale of the first floor extension is limited to the area of the garage and would mimic the existing gable detail of the main house with a suitable set back to ensure a subservient appearance. The materials proposed would match the main house.

Paragraph 5.24 recognises that roofs are a prominent and visible element of the street scene and paragraph 5.25 states that the design of dormer windows and roof extensions should reflect the age, appearance and materials of the existing house.

The dormer would be located on the new side roof plane. Dormers are a common feature within Lea Drive and given the modest scale and location, this would be considered to be acceptable in terms of appearance.

The first floor side extension and dormer are therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The rear extension would be attached at the back of what is currently the garage. The scale is modest, allowing the retention of the amenity space at the rear. The materials proposed would match the main house. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Alterations to porch on north west side

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, **roof pitch** or detailing, proposals will be considered on a case by case basis.”

The change to the roof to increase the angle of the lean to roof over such a modest addition to the property would have no impact in terms of visual amenity.

Change to materials with the use of render for the whole house

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to **differ from the existing materials**, design, roof pitch or detailing, proposals will be considered on a case by case basis.”

There is a mixed palette of materials in the street including brick, stone, render, timber cladding and upvc cladding. The use of render for this property would not be out of character with the area.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future

and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 4 Lea Drive

The changes proposed to the roof over the side porch would be on the opposite side of the host property to the adjacent neighbour and as such would have no impact in terms of overlooking, overshadowing or overbearing.

It is noted that the adjacent dwelling has two windows in their side elevation which overlook the host property at present. The first window serves a bedroom and the second serves an office. There is a 2.7m gap between the garage of the host property and the side wall of the adjacent neighbour with a boundary fence at height of approx. 1.5m.

Overshadowing/overbearing

The amended plans include a small canopy at the front of the existing garage. This would be single storey, with less than a 1m projection and open sided for the most part with a small, enclosed porch formed at the junction of the original house and the garage. This would align with the office window. Given the single storey nature, open-sided design and the separation between the properties together with the fencing between, the canopy would have limited impact on the adjacent property.

Furthermore, the alterations to the first floor now include a road facing gable with a roof slope and small dormer which would have limited potential for overshadowing given the position of the property to the north west of the adjacent neighbour or an overbearing impact given this is above the existing garage with a pitched roof sloping away.

The single storey rear element would be set 2.7m from the neighbour's property with a significant boundary treatment between the dwellings and a limited projection of 1.5m. Given the spatial relationship, there would be no overshadowing or overbearing.

Overlooking

The windows in the original house which face the adjacent property serve a hall and landing, neither of which are considered to be habitable. The "new" porch window would also serve the porch area which is not habitable and would be set at least 7m from the neighbour's office window. The front facing gable window would have views down the applicant's own driveway towards the road with no potential to overlook the neighbour's ground floor windows. The dormer windows proposed would serve the new bedroom in a secondary capacity and at a high level, looking towards the neighbour's blank gable and at a height which would not be able to have any views into the two windows in the side elevation of the neighbouring property. The new gable window on

the rear elevation would look straight into the applicant's own garden area and any views towards the neighbour's garden would be at an angle. As such, Officers are satisfied that there would be no undue loss of privacy as a result of the works proposed.

With regards to the impact on the adjacent 4 Lea Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 8 Lea Drive

The changes proposed to the roof over the side porch are so limited that there would be no impact on the amenities of the occupiers of the adjacent neighbour to the north west in terms of overshadowing, overbearing or overlooking.

The first floor extension, canopy and single storey rear extension would be located on the opposite side of the host property to the adjoining neighbour to the north west and as such would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 8 Lea Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 4 Abbey Farm Drive

The neighbouring property to the rear occupies a position some 24m from the host property. Given the substantial separation between the properties, the works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 4 Abbey Farm Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 5 Lea Drive

The neighbouring property on the opposite side of the road occupies a position some 25m from the host property. Given the separation between the

properties, the works proposed would result in no overshadowing, overbearing or overlooking impact.

With regards to the impact on the neighbouring 5 Lea Drive, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use and the loss of the garage. However, the property has parking provision to the front for at least two vehicles which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

1 representation was received in response to the initial round of publicity. The material planning matters raised are summarised as follows: -

- Loss of light to the neighbour's windows – **Response:** *this is a material consideration as it relates to residential amenity. Whilst this has been addressed within the relevant section of the report, it should be noted that amended plans have been sought and received which reduced the scale of the extension to minimise the impact on the adjacent neighbour.*
- Overbearing and oppressive impact – **Response:** *this is a material consideration as it relates to residential amenity. Whilst this has been addressed within the relevant section of the report, it should be noted that amended plans have been sought and received which reduced the scale of the extension to minimise the impact on the adjacent neighbour.*
- Out of character with the area – **Response:** *this is a material consideration as it relates to visual amenity. This has been addressed within the relevant section of the report.*

Although other matters have been raised which include the accuracy of the plans and the potential for a precedent to be set, these are not material planning matters and as such, cannot be considered.

Neighbour Notification letters were sent out regarding the amended plans giving till 04/03/2024 to comment. One further response was received which reiterated the initial concerns in terms of:-

- Overshadowing – **Response:** *this is a material consideration relating to residential amenity and has been fully addressed within the relevant section of the report.*
- Overlooking – **Response:** *this is a material consideration relating to residential amenity and has been fully addressed within the relevant section of the report.*

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

The render finish should be an off white colour to ensure a satisfactory appearance.

Conclusion:

This application for extensions and alterations to 6 Lea Drive has been assessed against relevant policies in the development plan as listed in the

policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, 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: 2023/93305

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 with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The render proposed for the original house and the extensions hereby approved shall be finished with an off white colour and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	01	1016129	13/11/2023
Existing plans	02	1016131	13/11/2023
Proposed plans	03b	1029095	22/01/2024
Climate change statement	-	1016195	13/11/2023
Supporting statement	-	1016132	13/11/2023

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The initially submitted plans raised concerns in terms of the potential impact on the adjacent neighbour. Amended plans have been sought and received which reduced the level of development to the side of the property. The amended plans were advertised.

Report Dated

05/03/2024

