

**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:	2023/62/93336/W
Site Address:	17, Whitehall Road, Linthwaite, Huddersfield, HD7 5PN
Description:	Erection of two storey side and single storey rear extensions and porch to front elevation.
Recommending Officer:	Laura Yeadon

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: 03-Jan-2024

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/93336>

Site Description

17 Whitehall Road is a two storey, semi-detached dwelling located within an area without notation on the Kirklees Local Plan but is however, located within the Strategic Green Infrastructure Network.

The property is constructed from brick and hosts a concrete tiled hipped roof and is located on a significantly lower ground level than the adjacent property No. 15 due to the topography of Whitehall Road. Amenity areas for the property are located to the front and rear with a driveway running down the side of the site leading to a detached pre-fabricated single garage.

The surrounding area is characterised by two storey semi-detached dwellings constructed from similar materials with some being extended in varying forms.

Description of Proposal

The application is for the erection of a two storey side and single storey rear extension and porch to the front elevation.

Two storey side extension

The proposed extension would be set back from the front elevation of the dwelling by 0.7 metres and would project to the side by 2.2 metres. The extension would span the full depth of the property projecting off the rear elevation by 3 metres. It is proposed that the eaves height would be match the existing with the ridge line being set down from the existing by 0.2 metres. Construction materials would be to match the existing.

Single storey rear extension

The proposed single storey extension would project off the rear elevation by 3 metres and would span the full width of the property from the boundary with the attached neighbour, No. 19 and lying flush with the side elevation of the proposed two storey side extension. The eaves height would be 2.2 metres with a ridge height of 3.3 metres for the lean-to roof. Construction materials would be to match the existing.

Porch

The proposed porch would be located on the front elevation of the existing building. The porch would have a side elevation which would lie flush with the side elevation of the existing building. The porch would project forward of the

front elevation by 1.5 metres and would have a width of 2.1 metres. The eaves height would be 2.4 metres rising to an overall height of 3.3 metres to the ridge of the pitched roof. Again, the construction materials would match the existing.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

None

Representations

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

Final publicity date expired 21st December 2023 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan but is within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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, 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front, side and rear extensions, the SPD states:

Front Extensions

The SPD clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

2- storey side extensions

Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. Section 5.20 states two-storey side extensions should:

- 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.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);

- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

The application site is a semi-detached property which is set on a significantly lower ground level than the adjacent property, No. 15. The dwelling sits within a modest plot and has a rear garden which is tiered upwards towards to the rear boundary. The adjacent properties to the north of the application site sit on a similar building line.

The visual impact of the works have been designed so that the two storey side extension would be set back from the front elevation of the existing property by more than the 500mm required by the SPD and has a roof line which is set down from the existing. Whilst it is noted that the proposal would not maintain a gap of 1 metre between the side wall of the side extension and the shared boundary, due to the significant difference in ground levels and proposed roof form, a sense of space would be retained between the application site and No. 15. It is therefore considered that this element of the scheme is acceptable and would be subservient to the host dwelling and is not dissimilar to the side extension to No. 13. Whilst the proposed side extension does not strictly comply with the requirements of the SPD, justification for the scheme in terms of its similarity to No. 13 and No. 1 Whitehall Road has been submitted and therefore, the proposed works,, in this isolated case, are considered acceptable within the remit of Key Design Principles 1 and 2 of the SPD.

In terms of the proposed single storey rear extension, this would have a total projection of 3 metres which would be built up to the shared boundary with the attached neighbouring property, No. 19. The proposed single storey rear extension would be in keeping with the scale and size of the original house; would not cover more than half the total area around the house; would not exceed more than 4 metres in height and; would not have a projection of more than 3 metres. In this respect, the extension complies with paragraph 5.6 of the SPD. It does not comply with the final section of this section of the document

that states that a gap of at least 1 metre should be retained from a property boundary. It is proposed that the extension would be built up to the boundary with No. 19. The property hosts full permitted development rights and could, subject to criteria, construct a 3 metre projecting extension, up to the shared boundary without the requirement of planning permission. As there is a realistic fall-back position in this case, it is considered that there is adequate justification to construct up to the boundary line in this case.

The proposed porch would be identified as a front extension in terms of the SPD. The proposed porch would be set well back from the pavement, is small and subservient to the host property, the materials would match the existing and it is considered that the porch would not unreasonably affect neighbouring properties. Therefore, compliant with the SPD.

The proposed construction materials for the three elements of the proposals would be brick for the walls and concrete tiles for the roof with uPVC for the openings. As such, these would comply with Key Design Principles 1, 2 and 9 of the SPD.

In terms of Key Design Principle 7 of the SPD in relation to outdoor space. Due to the size of the modest curtilage of the property, especially to the rear, it is not considered that this would be significantly compromised as a result of the works.

It is therefore considered that the works relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to Key Principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (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. 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.

There are proposed openings within the front elevation of the side extension and porch and within the rear elevation of the side and rear extensions.

In terms of the impact of the proposal on the properties facing the front elevation of the property, 21 metre separation distance between dwellings and habitable room windows would be maintained and therefore, this elevation meets SPD criteria.

There are proposed openings within the ground floor side elevation facing No. 15 to the proposed utility room. However, it is proposed that these would be obscurely glazed and therefore mitigates any harm from overlooking at close quarters from this elevation, there is also a significant difference in levels between the properties.

In terms of the rear elevation openings, these would face the garden area of the property and with the dwellings beyond the rear elevation are set at right angles to the application site. As the first floor separation distances would not be reduced and that the projection towards the rear boundary would be to the ground floor section of the property, it is not considered that the proposed works would cause undue harm from overlooking.

Roof lights are also proposed within the rear elevation roof slope to provide light into the loft area which is annotated on plan to be used for storage. Given the nature of roof lights, within a sloped roof, it is not considered that these would cause undue harm from overlooking, therefore compliant with Key Design Principle 3 of the SPD.

In terms of overshadowing and/or being overbearing, the application site is set at a lower level than No. 15. Whilst openings are evident within the side elevation of No. 15, these appear to be non-habitable and therefore the harm is minimised. In terms of the impact of the single storey extension on No. 19, the side elevation of the extension would face the brick wall to the conservatory at No. 19 and therefore there is little harm from the proposed extension. Due to the size, scale and location of the proposed porch, this is also considered to cause little harm and therefore complies with the SDP.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the garage provision for the property would be lost as the submitted block plan indicates the removal of the garage however as the garage is prefabricated, it is unlikely to meet modern space standards to occupy a vehicle.

The extensions associated works would result in a 4 bedroom property. As such, the SPD requires 3 no. off-street parking spaces to be provided. In this case, two parking spaces could be created on the existing driveway. Given that Whitehall Road is a residential road whereby on-street parking does not appear to be oversubscribed, it is not considered reasonable or necessary to request that a 3rd parking space is provided in this case.

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.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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

Whilst a Climate Change Statement has been submitted, due to the limited nature of the development which is proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity –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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case it appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

6 – Representations:

None

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: 2023/93336

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 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP6, LP21, LP22, LP24 and LP31 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within 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
Location plan			9 th November 2023
Proposed block plan			9 th November 2023
Existing elevations and floor plans	2312 – 01		9 th November 2023
Proposed elevations and floor plans	2312 – 02		9 th November 2023
Climate Change Statement	Appendix A		9 th November 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:

3rd January 2023