

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:	2023/62/93377/W
Site Address:	13, Birchington Avenue, Birchencliffe, Huddersfield, HD3 3RD
Description:	Erection of single storey rear extension and external alterations
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: 09-Jan-2024

THE SITE

13, Birchington Avenue is a two storey semi-detached property with no planning history. The exterior construction materials consist of natural and artificial stone, red brick and render with a slate roof. The application property is within the wider residential area of Birchenclyffe, where surrounding dwellings share similar design and architectural features and are set along the same building line. No.13 hosts a paved driveway with a detached garage, and the main amenity space is a medium size lawned garden to the rear.

THE PROPOSAL

The applicant is seeking planning permission for the erection of single storey rear extension and external alterations. The extension would be ~3.4 metres in height with a projection of ~1.5 metres and a width of ~2.1 metres. The extension would be constructed using artificial stone to match the existing with a felt flat roof. The application form states this would be 'brick' but the annotation on the submitted plan and the shading on that plan confirms it is artificial stone.

This extension would be an extension on the existing extension with a width of ~5.6 metres and a projection of ~2.4 metres.

PLANNING HISTORY

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

HISTORY OF NEGOTIATIONS

Requested further information regarding the proposed construction materials.

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 28th December 2023. No representations were received as a result of this publicity.

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

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

The site is designated as lying within a low coal risk area (note to be added to the decision notice) and a Bat Alert Zone.

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

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP51 – Air Quality

National Policies and Guidance

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

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

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

ASSESSMENT

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

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

Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Assessment

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.1, 5.2 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;
- 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;
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties;
- 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 extension would have a flat roof and would lie flush with the height of the existing eaves and would be in keeping with the existing dwelling in terms of the height and size. The ~1.5 metre projection is ~0.9 metres less than the existing single storey rear extension, and has a width of ~2.1 metres so is unlikely to dominate the appearance of the existing dwelling, even cumulatively. Although it would exceed 3m from the rear of the original dwelling, it is very small in scale and would remain a subservient and visually acceptable addition to the dwelling. In addition, the extension would retain a gap of over 4 metres from the east facing property boundary shared with No.11 and a ~3.6 metre gap with the neighbouring property on the west-facing boundary. Over half of the total area around the original house, excluding the 1970's extension would be retained as a result of this extension.

The materials of the extension would be artificial stone to match the existing single storey rear extension which is acceptable and would complement the existing dwelling. The flat-felt roof would be acceptable in this case as it would lie flush with the rear eaves of the existing rear single storey extension with a lean-to roof and would lessen the bulk of this very small addition to the dwelling. The proposed extension would lie flush with the east-facing elevation and would maintain external access to the rear garden.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the it would comply with most elements of the adopted House Extensions and Alterations SPD, and there is justification to allow the additional projection from the original rear elevation of the dwelling. It would also align with advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Assessment

Impact on No.15

No.15 is attached to No.13 on the west-facing boundary. It is set on a slightly higher land level than No.13, and has a rear conservatory that projects ~2.7 metres along the shared boundary with the application property, projecting ~0.5 metres further than the existing single storey rear extension at No.13. The proposed works are unlikely to result in any undue impacts on privacy as there are no openings in the west-facing elevation that could cause overlook into the rear amenity space at No.15. In addition, the proposed works would be ~3.6 metres from the shared boundary, and due to No.13 being on a lower land level than No.15, it is unlikely to cause any harm on overshadowing, loss of light, or be overbearing on this neighbour.

Impact on No.11

No.11 is a neighbouring semi-detached property on the east-facing elevation of No.13, and is set on a lower land level than No.13. The main amenity space of No.11 is at the rear. Due to the existing garage, it is unlikely that the extension would cause any undue overshadowing or loss of light. The garage is ~2.5 metres in height and the proposed extension would be ~3.4 metres in height, and due to the ~5.1 metre distance between the two properties, it is unlikely to be reduce the outlook or be overbearing on No.11. In addition there are no proposed openings on the east-facing elevation that could cause harm or impact the privacy of No.11, therefore it is unlikely that the level of privacy would be impacted as a result of the works.

Ample garden space would remain in accordance with KPD 7 of the SPD.

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.

Assessment

The proposed works consist of a ground floor bathroom and would not provide additional bedrooms which would require an increase in off-street car parking spaces. In addition, the extension is at the rear and would not impact access to off-street in curtilage parking.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, 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, the proposals are relatively modest, low level and do not impact on the original roof 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, 9, 10 & 11 of the SPD. A detailed Climate Change Statement has been submitted with the application, which provides a proportionate and considered response to the climate emergency.

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: 2023/93377

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

2. Notwithstanding the details within the application form, the external walling material of the extension hereby approved shall be artificial stone to match in all respects match that used in the construction of the existing rear extension.

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			17/11/23
Climate change statement			17/11/23
Location Plan	BA01.#		17/11/23
Proposed plans	BA05.#		17/11/23
Existing plans	BA03.#		17/11/23
Existing site plan	BA02.#		17/11/23
Proposed site plan	BA04.#		17/11/23

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.

Report Dated: 8th January 2024