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:	**2023/62/93599/W**
Site Address:	48, Wellfield Road, Marsh, Huddersfield, HD3 4BJ
Description:	Erection of single storey rear extension with garage conversion and associated 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.

John Holmes

AUTHORISED OFFICER

Date: 26-Jan-2024

THE SITE

48, Wellfield Road is a two-storey, detached dwelling with an integrated garage. The exterior construction materials consist of stone with a gable roof. The dwelling is located within a wider residential area where properties share similar architectural and design features.

The application property is split level which is over three floors, with the elevation facing the street being two storey and the topography of the site being such that there is a lower ground floor / basement which sees the property three storey to the rear.

The elevation facing the street incorporates an open sided section of the building, this provides an additional 3m of driveway in addition to the 4.7m length driveway which is to the front of this section (making a total driveway length of 7.7m).

THE PROPOSAL

The applicant is seeking planning permission for the erection of single storey rear extension with garage conversion and associated alterations.

Single storey rear extension

The proposed extension would project ~1 metre from the rear wall of the dwellinghouse with a width of ~4 metres. The eaves height would be ~2.5 metres and a total height of ~3.3 metres to the ridge of the lean-to roof. The extension would be located on the lower ground floor and would lie flush with the west-facing elevation. The proposed works would replace the existing ~1 metre by ~2.6 metre porch at the rear of the dwelling.

The extension would be constructed from stone with a lean-to roof. The rear elevation would have bi-folding doors to provide external access to the raised patio.

Garage conversion

The proposed works would extend the front projection of the garage by ~3.1 metres so that it lies flush with the front elevation of the dwelling. The depth of the garage would be decreased by ~1 metre and would be used as a store and an additional room would be created behind the garage, serving as a ‘snug’.

The proposed alterations would include a west-facing window located on the lower ground floor which would serve the kitchen/ dining space. The driveway would also be widened approximately ~2 metres to a total width of.

PLANNING HISTORY

The most relevant planning history for this site relates to the following applications:

> 96/93433 – erection of residential development (150 dwellings) and garages and associated works – Conditional full permission granted 9th September 1997

99/91333 – erection of 15 no. detached dwellings with integral garages (substitution of house types) – Conditional Full Permission 2nd September 1999

It is noted that consent 99/91333 is subject to the following conditions:

No dwelling shall be occupied until the garage or parking space intended to serve that
dwelling has been provided; before being brought into use, the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority and shall not thereafter be used for any purposes other than the parking and turning of vehicles.

Notwithstanding the provisions of the Town and Country Planning General Permitted
Development Order 1995, permitted development rights are withdrawn for the erection of any building or extension on the drives to all plots.

The reason for these conditions is in the interests of the free and safe use of the highway.

The requirement for these conditions is considered to be a material consideration which must be afforded weight in the consideration of this case. In particular whether the impact of the proposal would have a significant impact on the free and safe use of the highway as a result of the impact upon parking provision.

HISTORY OF NEGOTATIONS/ AMENDMENTS RECEIVED

No negotiations or amended plans were sought / considered necessary in this case.

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 15 January 2024. 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 Marsh, but is otherwise unallocated in the adopted Kirklees Local Plan. The site is designated as lying within an area with a known presence of bats.

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

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter16 – 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
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, garage conversion and associated alterations 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 related specifically to single storey rear extensions and provides the following guidance:

5.6 Single storey 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 meters;*
- *Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The proposed extension would be finished with stone to match the host dwelling and surrounding development. The extension would not cover more than half the total area around the original house and would not exceed 4 metres in height. The projection of the works would be minimal at ~1 metre and would be in keeping with the original dwelling in terms of scale and detail. As the projection would remain the same as the existing lower ground floor rear projection, it is not considered that the

extension would dominte the house and would be acceptable in terms of scale, complying with KDP 2. The extension would retain a gap of at least 1 metre from the property boundary.

While the extension would not be visible from the street scene, a site visit confirmed that it would be visible from surrounding development at the rear of the dwelling on Wyvern Avenue. The proposed works would be small-scale and constructed from materials to match, and it is not considered that the extension would cause detrimental harm to visual amenity. The extension would be in keeping with the local character of the area, complying with KDP 2 of the SPD.

In terms of the garage conversion, it would be constructed from stone to match the host dwelling. The front elevation would lie flush with the existing and would not project further than the front principal elevation and be subservient to the original dwelling. Although the garage would not be useable the garage door would be retained. This feature would ensure the development is in keeping with the appearance and local character of the street scene and would comply with KDP 1.

In addition, it is noted multiple surrounding dwellings such as Numbers 44, 45 and 43 appear to have a similar design to which the application property intends to achieve with an integrated garage either level/projects forward from the front elevation of the dwellinghouse. It is therefore not considered that the proposed conversion would be detrimental or unbalance the street scene, therefore complying with KDP 1 and 2 in the SPD.

Subject to condition requiring materials of construction to match the host property, it is therefore considered that in terms of visual amenity, the proposed development would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

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

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

- Principle 3 – that: *"the extensions and alterations should be designed to achieve reasonable levels of privacy for 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"*

Impact on 50, Wellfield Road

50 Wellfield Road is a detached dwelling located on the east elevation of the application site. This property is also split level and is located on the same building line as No 48.The proposed works do not include any openings within the elevation facing this neighbour and are therefore unlikely to cause detrimental harm on the level of privacy currently enjoyed at this property. Similar to the application property, this neighbour also hosts a rear raised patio with an identical rear porch. Given that the proposed rear extension would have a minimal ~0.2 metre increase in height, it is not considered that that this would adversely impact the level of natural light received or the outlook at this neighbour. The side elevation of the extension closest to this neighbour would be approximately 5.5 metres apart which is sufficient.

In terms of the garage conversion, the extension would lie flush with the front elevations. Although there are two windows on the west-facing elevation of this dwelling, however, taking account of the impact of the existing building upon these openings it is considered the impact of the development would not be significant in terms of light provided by the open sided design of part of the building. Due to this, the proposed development is considered to comply with KDP 3, 4, 5 and 6.

It is therefore considered that given the size and scale of the proposed development; it would comply with Key Design Principles 3 to 6 in the SPD.

Impact on 49, Wyvern Avenue

49, Wyverne Ave is a two-storey detached dwelling located at the rear of the application site. The garage conversion would not be visible from this dwelling, however the openings of the rear extension would directly face this neighbour. A site visit confirmed that the rear extension would be visible from this neighbour, however at a separation distance of approximately 20 metres the impact on privacy, light and outlook is not considered to be significant. Therefore, the proposed works would comply with KDP 3, 4, 5 and 6 in the SPD.

Impact on 51, Wyverne Avenue.
51, Wyverne Ave is a two-storey detached dwelling located at the rear of the application site. Similar to No 49, it is unlikely for the garage conversion to be visible from this dwelling and would have no impact on privacy, outlook, or overshadowing. It is likely that the rear extension would be visible from the rear windows of this neighbour, however as a separation distance of approximately 20 metres would be achieved it is not considered this impact would be significant. This would comply with KDP 3, 4, 5 and 6 in the SPD.

It is therefore considered that in terms of residential amenity, the proposed development 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 proposed works would not alter the number of bedrooms at this dwelling. Given that the internal measurements of the existing garage are ~2.7 metres by ~5.5 metres, this would not be considered a useable garage. The proposal includes widening the driveway by approximately 2 metres which would could be suitable space to accommodate off-street parking in addition to that provided by the existing driveway.

The existing situation is such that a driveway of a depth of 7.7m is provided, this is of a width of 4m. In terms of parking standards of the Highways Design Guide SPD, the existing situation is such that there is sufficient space for one car provided only. The proposal would increase the width of the drive (to 6m) which is sufficient width to provided space for two cars to park side by side, however, the depth of the drive is unlikely to be able to accommodate a number of vehicles given the recommended depth is 6m and the proposal provides a depth of 4.7.

It is considered that the existing situation at site would not be significantly altered as a result of the proposal, and one usable space would remain, potentially accessed in a manner such that the vehicle is parked either at an angle or perpendicular to the highway. 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.

In respect of this particular house type and having regard to this part of the street in relation to on street parking demand / options available, it is considered that, on balance, refusal of permission on the basis of the impact upon highway safety could not be substantiated in this case and the proposal would have an acceptable impact in terms of access and highway safety / parking the proposed having regard to policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and policies within chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Drainage

Having regard to Principle 14 of the House Extensions and Alterations SPD it is considered appropriate to require the additional hardstanding to be permeable to ensure that further surface water run off from the site which is greater than that which takes place already would not occur. A condition relating to surfacing would therefore be recommended to be included upon any grant of permission.

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, 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. The extension would be constructed from stone which is a sustainable, recyclable material which would be locally sourced. This is considered to be acceptable in terms of mitigation against climate change. A climate Change Statement has ben 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: 2023/93599

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 and roofing materials of the development 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.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
   Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapter 9 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			5/12/24
Plans & Elevations – As Proposed	A(10)-01		5/12/24
Plans & Elevations – As Existing	A(00)-01		5/12/24
Location Plan	PP-12654189v1		5/12/24
Climate change statement			5/12/24

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 23/01/24

No coal