

**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:	2023/62/93646/W
Site Address:	1-3, Banks Road, Golcar, Huddersfield, HD7 4LX
Description:	Removal of existing porch and erection of replacement porch, removal of existing garage and erection of two storey side extension
Recommending Officer:	Molly Storer

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: 05-Feb-2024

Officer Report

Site Description

1-3 Banks Road is a two storey, detached dwelling located within an area without notation on the Kirklees Local Plan however it is located adjacent to the boundary of Golcar Conservation Area. This property appears to be a pair of semidetached properties converted into one detached property.

The property is constructed from stone and hosts driveways to either side. The driveway to the southwest runs down the side of the site leading to a detached prefabricated single garage. The dwelling is accessed from Banks Road to the south and is surrounded by dwellings in all directions.

Description of Proposal

The application is for the removal of existing porch and erection of replacement porch, removal of existing garage and erection of two storey side extension.

Two storey side extension

The proposed extension would be set back from the front elevation of the dwelling by 0.5 metres and would project to the side by 3.5 metres. The extension would be 7.1 meters in length. It is proposed that the eaves height would be match the existing with the ridge line being set down from the existing by 0.25 metres. This extension would replace an existing single storey, prefabricated, detached garage. Construction materials would be to match the existing.

Porch

The proposed porch would be located on the front elevation of the existing building. This would project forward of the front elevation by 1.95 metres and would have a width of 3.1 metres. The eaves height would be 2.3 metres rising to an overall height of 3.4 metres to the ridge of the pitched roof. This extension would replace an existing smaller porch. 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 25th January 2024 – one representation was received with the concerns raised detailed and addressed in section 6 of this report.

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. It is noted the site is adjacent to a Golcar Conservation Area

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality

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 16 – Conserving and enhancing the historic environment

Legislation

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

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

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.

Two 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.

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

In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Conservation Area, as well as other matters which are discussed as follows.

2 – Impact on visual amenity & the setting of Golcar Conservation Area :

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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

The application site is a property which is set forward of the adjacent property, No. 5. The southwest side elevation faces onto the rear elevations and rear gardens of the properties on Banks Avenue. The dwelling sits within a modest plot and has a rear and front garden. The surrounding properties are all on a similar ground level. 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. 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. However, due to the projection of the side extension being 0.5 meters less than the existing garage in proximity to the shared boundaries of the properties on Banks Avenue a sense of space would be retained between the application site and these properties. It is therefore considered that this element of the scheme is acceptable and would be subservient to the host dwelling.

Furthermore, with regard to visual amenity of the street scene, the new development would remove an unsympathetic addition in the form of the existing prefabricated garage. Instead the removal of this garage and the proposed extension, with matching materials to the host property will be more in keeping with the original dwelling and the street as a whole.

Whilst the proposed side extension does not strictly comply with the requirements of the SPD, due to it being subservient to the original dwelling and replacing an unsympathetic addition it is therefore considered that the proposed works, in this isolated case, are considered acceptable within the remit of Key Design Principles 1 and 2 of the SPD.

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 two elements of the proposals would be artificial stone and brick low level banding course for the walls and concrete tiles for the roof with brown uPVC for the openings to match the existing property. 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.

The proposed porch would better address the street creating a more active frontage than that of the existing porch to the front of the dwelling.

It is considered that the proposed works would not affect the setting of the Conservation Area to any significant degree that is greater than that of the host property and the development would therefore the proposal is considered to preserve the character of golcar Conservation Area which is in close proximity to the site.

It is therefore considered that the works relate satisfactorily to the host building and have an acceptable impact on visual amenity, and an identified heritage asset in accordance with the requirements of policies LP1, LP2, LP24 & LP35 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 Chapters 12 & 16 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 extension.

In terms of the impact of the proposal on the properties facing the front elevation of the property, 19 metre separation distance between dwellings and habitable room windows would be maintained. In addition these windows would be set back from the existing windows, which leads to the conclusion they will not create a shorter outlook to the properties at the front than already exists and therefore refusal on such a basis could not be substantiated in this case.

There are no proposed openings within the southwest side elevation facing the rear of properties on Banks Avenue. Therefore, this mitigates any harm from overlooking at close quarters from this elevation.

In terms of the rear elevation opening on the first floor side extension, this 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 also not be reduced and separation distances of ~17m remain it is not considered that the proposed works would cause undue harm from overlooking.

Roof lights are also proposed within the porch roof slope to provide light into this area. 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 overbearing impact, the rear to side distance of the original rear elevations of properties to the south west of the site would be maintained as at least 12m. A number of rear additions at ground floor are in place to the rear of properties to the south west / west of the site, however intervening outbuildings serving these properties are in place at given the distance which would remain between the side elevation of the two storey extension and the rear of these properties it is considered it would be unreasonable of the LPA to refuse permission on the basis of overshadowing / overbearing impact resulting from the development proposal.

This conclusion is drawn in light of the orientation of the site and the properties in relation to one another with the impact upon light considered to not be so great as to cause a significant level of overlooking taking account of the remaining distance(s) between the dwellings.

Due to the size, scale and location of the proposed porch, this element of the proposal is also considered to cause little harm in this regard 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, three parking spaces could be created on the existing driveway which is shown on the plans. A condition requiring the vehicular parking area(s) shown on drawing 218-23-PL02RevB is recommended to be included on any grant of permission, given the creation of such parking areas would ensure adequate off street parking provision to serve the additional / existing accommodation and that an area of soft landscaped amenity space would remain to the front of the host property and as such the provision of such parking area(s) would not have a detrimental visual impact.

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.

6 – Representations:

There has been one neighbour objection to the proposal. The objection laid out concerns impact visually of the proposal, fact the Conservation Area is adjacent and concerns regarding privacy of the surrounding properties. These concerns have been assessed in sections 2 and 3 of this report.

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: 2023/93646

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, LP21, LP22, LP24, LP35 and LP51 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, and 16 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 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.

4. Prior to the development being brought into use, the vehicle parking areas shown on drawing 218-23-PL02RevB shall be provided. All further hardstanding which is required to be provided 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 and the Council's adopted Highways Design Guide.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	12/12/2023
Proposed grouped plans and elevations	218-23-PL02	B	12/12/2023
Location plan	218-23-PL03	A	12/12/2023
Climate change statement	-	-	12/12/2023
Existing grouped plans and elevations	218-23-PL01	A	12/12/2023

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 considered acceptable in its submitted format.

Report Dated:

3rd February 2024